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MAR 9 - 1914

In reply please refer to Circular No. 301.

ACCOUNTS: Certified copies of
records (37 Stat. 497).

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

February 26, 1914.

Registers and Receivers,

United States Land Offices.

Sirs:

The Comptroller of the Treasury, in a decision dated January 19, 1914, holds that the Act of August 24, 1912 (37 Stat., 497), was not intended to apply to registers and receivers.

Under the interpretation placed upon said act by the Department, Circular No. 180, was issued October 17, 1912 (41 L. D., 333), which should henceforth be disregarded by you. The use of the seal furnished you should be discontinued, and the disposition of all moneys received for copies of your records will be governed by the applicable laws without regard to the provisions of said act.

Very respectfully,

CLAY TAILMAN,

Approved:

Commissioner.

A. A. JONES,

First Assistant Secretary.

2-9-IVG

1481
1850
1861
Part 181 of CFR 43
Still in effect 15/27/54
See Ord 821

CIRCULAR No. 302.

SOLDIERS' AND SAILORS' HOMESTEAD RIGHTS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., February 28, 1914.

1. Any officer, soldier, seaman, or marine who served for not less than 90 days in the Army or Navy of the United States during the Civil War and who was honorably discharged and has remained loyal to the Government, and who makes a homestead entry, is entitled under section 2305 of the Revised Statutes and the act of June 6, 1912 (37 Stat., 123), to have the term of his service in the Army or Navy, not exceeding two years, deducted from the three years' residence required under the homestead laws.

Similar provisions are made in the acts of June 16, 1898 (30 Stat., 473), and March 1, 1901 (31 Stat., 847), for the benefit of like persons who served in the late War with Spain, or during the suppression of the insurrection in the Philippines.

2. A soldier or sailor of the classes above mentioned who makes entry as such must begin his residence and cultivation of the land entered by him within six months from the date of filing his declaratory statement, but if he makes entry without filing a declaratory statement he must begin his residence within six months after the date of the entry. Thereafter he must continue both residence and cultivation for such period as will, when added to the time of his military or naval service (under enlistment or enlistments covering war periods), amount to three years; but if he was discharged on account of wounds or disabilities incurred in the line of duty, credit for the whole term of his enlistment may be allowed. However, no patent will issue to such soldier or sailor until there has been residence and cultivation by him for at least one year, nor until a habitable house has been placed upon the land. If the soldier's military service was sufficient in duration to require only one year's residence and improvement upon the claim, the entryman must perform such an amount of cultivation as to evidence his good faith as a homestead claimant. If his military service was of such limited duration as to require more than one year's residence upon the claim, he will be required to perform cultivation to the extent of one-sixteenth of the area of the entry, beginning with the second year thereof, and if proof is not submitted before the third year he must also cultivate at least one-eighth of the entry, beginning with the third year and continuing to date of proof.

3. No credit for military service can be allowed where commutation proof is submitted.

4. A party claiming the benefit of his military service must file with the register and receiver a certified copy of his certificate of discharge, showing when he enlisted, when he was discharged, and the

organization in which he served, or the affidavit of two respectable, disinterested witnesses, corroborative of the allegations contained in his affidavit on these points, or if neither can be procured his own affidavit to that effect.

PERIODS OF SERVICE FOR WHICH CREDIT MAY BE GIVEN IN LIEU OF RESIDENCE.

5. In determining the rights of parties under sections 2304-2309 of the Revised Statutes the Civil War is held to have lasted from April 15, 1861, to August 20, 1866; the Spanish War and Philippine Insurrection from April 21, 1898, to July 15, 1903.

No credit for military service can be given unless a soldier or sailor served for at least 90 days between the dates above mentioned.

In computing the period of service of a soldier "who has served in the Army of the United States," within the meaning of that phrase as used in section 2304 of the Revised Statutes, the entrance of the soldier into the Army will be considered as dating from his muster into the service and not from his enlistment, if he was a volunteer; credit for military service in the Regular Army is counted from date of enlistment.

An entryman having enlisted and served 90 days during any one of the wars above mentioned is entitled under section 2305 of the Revised Statutes to credit for the full term of his service under that enlistment, although such term did not expire until after the war ceased.

6. A person who served for less than 90 days in the Army or Navy of the United States during said wars is not entitled to have credit for military service on the required period of residence upon his homestead, although he may have been discharged for disability incurred in line of duty.

7. A person serving in the Army or Navy of the United States may make a homestead entry if some member of his family is residing upon the land applied for, and the application and accompanying affidavits may be executed before the officer commanding the branch of the service in which he is engaged. Such soldier or sailor is not required to reside personally upon the land, but may receive patent if his family maintain the necessary residence and cultivation until the entry is three years old or until it has been commuted. The soldier's family in this connection is restricted to his wife and minor children.

8. A soldier is entitled to the same credit for military service in connection with homestead entries under the enlarged homestead act of February 19, 1909 (35 Stat., 639), as amended by the acts of June 13, 1912 (37 Stat., 132), and February 11, 1913 (37 Stat., 666); and under the act of June 17, 1910 (36 Stat., 531), which was also amended by said act of February 11, 1913, as is allowed in connection with ordinary homestead entries.

9. The special privileges accorded soldiers or sailors, as indicated in this circular, are not subject to sale or transfer, and can only be exercised by the soldier or sailor himself, his widow, if unmarried, or his minor orphan children. The adult child of a soldier has no special privileges in connection with the homestead laws on account of his father's military service.

HOMESTEAD RIGHTS OF WIDOWS AND MINOR ORPHAN CHILDREN OF DECEASED SOLDIERS AND SAILORS.

10. (a) If a soldier or sailor makes an entry or files a declaratory statement, and dies before perfecting the same, the right to perfect the claim, including the right to claim credit for the soldier's military service, passes to the persons named in section 2291, Revised Statutes; that is, to his widow, or, if there be no widow, to his heirs or devisees.

(b) In case of the death of any person who would be entitled to a homestead under the provisions of section 2304 of the Revised Statutes, but who died prior to the initiation of a claim thereunder, his widow, or in case of her death or remarriage, his minor orphan children by a guardian, duly appointed and officially accredited at the Department of the Interior, may make the filing and entry in the same manner that the soldier or sailor might have done, subject to all the provisions of the homestead laws in respect to settlement and improvements; and the whole term of service, or in case of death during the term of enlistment, the entire period of enlistment in the military or naval service will be deducted from the time otherwise required to perfect the title to the same extent as might have been allowed the soldier. (Sec. 2307, Rev. Stat.)

Where a homestead entry is made under section 2307, Revised Statutes, by the widow or minor orphan children of a deceased soldier or sailor, compliance with law both as to residence and improvement is required to be shown to the same extent as would have been required of the soldier or sailor in making entry under section 2304, Revised Statutes, except that credit will be given upon the three-year period for the entire term of the enlistment, not exceeding two years, where the soldier or sailor died during the term of his enlistment, provided he served at least ninety days.

(c) In case of widows the prescribed evidence of military service of the husband must be furnished, with affidavit of widowhood, giving the date of her husband's death.

In case of minor orphan children, in addition to the prescribed evidence of military service of the father, proof of death or remarriage of the mother must be furnished. Evidence of death may be the testimony of two witnesses or a physician's certificate, duly attested. Evidence of marriage may be certified copy of marriage certificate, or of record of same, or testimony of two witnesses to the marriage ceremony.

Minor orphan children must make a joint entry through their duly appointed guardian, who must file certified copies of the powers of guardianship, which must be transmitted to the General Land Office by the registers and receivers.

11. All homestead applicants who are not native-born citizens of the United States must have declared their intention to become citizens of this country, and before submitting proof must be fully naturalized. An honorable discharge from the United States Army, or an honorable discharge from the United States Navy or Marine Corps, after five years' consecutive service in the Navy, or one enlistment in the United States Marine Corps, is equivalent to a declaration of intention on the part of such soldier, sailor, or marine, and he may, therefore, make a homestead entry without formally declaring his intention to become a citizen, but must, of course, perfect final naturalization before submitting proof.

SOLDIERS' DECLARATORY STATEMENTS.

12. (a) Soldiers' and sailors' declaratory statements may be filed in the land office for the district in which the lands desired are located by any person entitled to the benefits of sections 2304 and 2307, Revised Statutes, as explained above. Declaratory statements of this character may be filed either in person or through an agent acting under power of attorney, but the entry must be made in person and not through an agent within six months from the filing of the declaratory statement, and residence must also be established within that time.

The party entitled to file a declaratory statement may make entry in person without filing a declaratory statement if he so desires.

The soldier's declaratory statement, if filed in person, must be accompanied by the prescribed evidence of military service and the oath of the person filing the same, stating his residence and post-office address, and setting forth that the claim is made for his exclusive use and benefit for the purpose of actual settlement and cultivation, and not, either directly or indirectly, for the use or benefit of any other person; that he has not heretofore made a homestead entry, or filed a declaratory statement under the homestead law (or if he has done so, he must show his qualifications to make a second or additional homestead entry); that he is not the proprietor of more than 160 acres of land in any State or Territory; and that since August 30, 1890, he has not entered or acquired title under the agricultural land laws of the United States, nor is he now claiming under said laws a quantity of land which with the tracts applied for would make more than 320 acres, or, in the case of a claim under the enlarged homestead laws, 480 acres.

(b) In case of filing a soldier's declaratory statement by agent, the oath must further declare the name and authority of the agent and the date of the power of attorney or other instrument creating the agency, adding that the name of the agent was inserted therein before its execution. It should also state in terms that the agent has no right or interest, direct or indirect, in the filing of such declaratory statement.

The agent must file (in addition to his power of attorney) his own oath to the effect that he has no interest, either present or prospective, direct or indirect, in the claim; that the same is filed for the sole benefit of the soldier, and that no arrangement has been made whereby said agent has been empowered at any future time to sell or relinquish such claim, either as agent or by filing an original relinquishment of the claimant.

(c) Where a soldier's declaratory statement is filed in person, the affidavit of the soldier or sailor must be sworn to before either the register or the receiver, or before a United States commissioner, or a judge, or clerk of a court of record in the county or land district in which the land sought is situated. Where a declaratory statement is filed by an agent, the agent's affidavit must be executed before one of the officers above mentioned, but the soldier's affidavit may be executed before any officer having a seal and authorized to administer oaths generally, and not necessarily within the land district in which the land is situated.

The fee to be paid to the register and receiver of the land office where the declaratory statement is filed is \$2, except in the Pacific States, where it is \$3.

(d) A homestead entry under a declaratory statement can not be made through an agent, and the entry must be made and settlement on the land commenced within six months after the filing of the declaratory statement. Residence, cultivation, and improvements must be shown to the same extent as though no declaratory statement had been filed.

13. The filing of a declaratory statement will not be held to bar the admission of filings and entries by others, but any person making entry or claim during the period allowed by law for the entry of the soldier will do so subject to his right; and the soldier's application, when offered within such time, will be allowed as a matter of right, and the intervening claimant will be notified and afforded an opportunity to be heard.

14. As implied by the requirements of the oath, a soldier will be held to have exhausted his homestead right by the filing of his declaratory statement, it being manifest that the right to file is a privilege granted to soldiers in addition to the ordinary privilege only in the matter of giving them power to hold their claims for six months after selection before entry, but is not a license to abandon such selection with the right thereafter to make a regular homestead entry independently of such filing. This is clear from the statutory language. Section 2304 provides: "A settler shall be allowed six months after locating his homestead and filing his declaratory statement in which to make entry and commence his settlement and improvement;" and section 2309 requires him "in person" to "make his actual entry, commence settlement, and improvement on the same, and thereafter fulfill all the requirements of the law." These must be done on the same lands selected and located by the filing.

15. Soldiers and sailors are cautioned against dealing with the so-called soldiers' claim agencies, or persons or companies who represent themselves as authorized by the Government to make entries or filings for soldiers. The Government does not employ nor authorize particular individuals to locate soldiers or sailors, or to file declaratory statements for them, except under the conditions above set forth.

CLAY TALLMAN,
Commissioner.

Approved:

ANDRIEUS A. JONES,
First Assistant Secretary.

REVISED STATUTES.

SEC. 2293. In case of any person desirous of availing himself of the benefits of this chapter, but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land office which the preceding sections require; and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona fide improvement and settlement have been made, such person may make the affidavit required by law before the officer commanding in the branch of the service in which the party is engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver; and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law.

SEC. 2304. Every private soldier and officer who has served in the Army of the United States during the recent rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February thirteenth, eighteen hundred and sixty-two, and every seaman, marine, and officer who has served in the Navy of the United States or in the Marine Corps during the rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, and every private soldier and officer who has served in the Army of the United States during the Spanish war, or who has served, is serving, or shall have served in the said army during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged; and every seaman, marine, and officer who has served in the Navy of the United States or in the Marine Corps during the Spanish war, or who has served, is serving, or shall have served in the said forces during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one quarter section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead and filing his declaratory statement within which to make his entry and commence his settlement and improvement. (As amended by act March 1, 1901.)

SEC. 2305. The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds

received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements: *Provided*, That in every case in which a settler on the public land of the United States under the homestead laws died while actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine, during the war with Spain or the Philippine insurrection, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, may proceed forthwith to make final proof upon the land so held by the deceased soldier and settler, and that the death of such soldier while so engaged in the service of the United States shall, in the administration of the homestead laws, be construed to be equivalent to a performance of all requirements as to residence and cultivation for the full period of five years, and shall entitle his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, to make final proof upon and receive government patent for said land; and that upon proof produced to the officers of the proper local land office by the widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, that the applicant for patent is the widow, if unmarried, or in case of her death or marriage, his orphan children or his or their legal representatives, and that such soldier, sailor, or marine died while in the service of the United States as hereinbefore described, the patent for such land shall issue. (As amended by act March 1, 1901.)

* * * * *

SEC. 2307. In case of the death of any person who would be entitled to a homestead under the provisions of section two thousand three hundred and four, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children, by a guardian duly appointed and officially accredited at the Department of the Interior, shall be entitled to all the benefits enumerated in this chapter, subject to all the provisions as to settlement and improvement therein contained; but if such person died during his term of enlistment, the whole term of his enlistment shall be deducted from the time heretofore required to perfect the title.

* * * * *

SEC. 2309. Every soldier, sailor, marine, officer, or other person coming within the provisions of section two thousand three hundred and four, may, as well by an agent as in person, enter upon such homestead by filing a declaratory statement, as in preemption cases; but such claimant in person shall within the time prescribed make his actual entry, commence settlements and improvements on the same, and thereafter fulfill the requirements of the law.

MAR 12 1914

In reply please refer to Circular No. 303.

"C" H.W.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

March 5, 1914.

: Isolated tracts--Incomplete
: applications and reports.

Registers and Receivers,

United States Land Offices.

Sirs;

It is apparent that applications for the sale of isolated tracts, as well as applications for the offering of tracts under the first proviso to the act of March 28, 1912 (37 Stat., 77), are not being scrutinized by local officers. Much trouble can be avoided if when such papers are filed an examination thereof is made, and appropriate action taken.

For instance, many applications are intended as requests for offering under the first proviso to said act of March 28, 1912, but the applicants do not furnish the evidence required on page 5 of Circular No. 253, nor is the printed form (4-008b) modified to show that the application is made under said proviso.

Field examination is not required in all cases where the land applied for has been isolated for two years, while field examinations must be made if the applicant is seeking a sale under the proviso. The showing must therefore be complete in order that the Chief of Field Division may take proper action.

Officers should familiarize themselves with paragraph 8 of Circular No. 253. A compliance with all the requirements thereof is necessary.

Very respectfully,

CLAY TALLMAN,

Commissioner.

MAR 16 1914

In reply please refer to Circular No. 305.

"A" J.McP.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

March 7, 1914.

: Canceled entries within
: forest reserves.

Registers and Receivers,

United States Land Offices.

Sirs:

You are advised that on the 4th instant the Secretary of the Interior issued the following order:

"Whenever, after due procedure under the law and the rulings of this Department, any entry within an existing forest reserve has been cancelled by order of this Department, it will hereafter be held that such matter is closed, and is not subject to subsequent motion or order before or by the Department."

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4
The order of the Secretary will be held applicable to an entry within a forest reserve regularly canceled by this office in the absence of an appeal and hereafter no such entry will be reinstated by direction of this office.

You are directed, where practicable, to call the attention of attorneys practicing before your offices to the foregoing orders.

Very respectfully,

CLAY FALLMAN,

3-6-HRS

Commissioner.

IN CASEY'S MINDS REVEREND TO CHURCHES W. 1. 1901.

W. 1. 1901.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

March 7, 1901.

Enclosed entire within
: Forest reserves.

Respectfully and personally,

Chief Clerk Land Office

Sir:

You are advised that on the 1st instant the Secretary of

the Interior received the following order:

"Whereas, after due procedure under the law and the orders
of this Department, and duly with an existing forest reserve
has been established by order of this Department, it will be
the policy of this Department to reserve, and is not subject to
any other action on the part of the Department."

The order of the Secretary will be held applicable to all

land which is now or hereafter reserved by the Secretary

in the exercise of his power, and no other action will be

required by the Department of the Interior

for any other action, and no other action will be required

at any time respecting any land reserved to the Secretary

of the

Very respectfully,

CHAS. H. HARRIS

Secretary.

1-4-1901

J.H.D.
Circular No. 306.

Absolute
See
Circ.
1211
750
SUGGESTIONS REGARDING THE CUTTING OF TIMBER BY
ENTRYMEN ON THEIR HOMESTEAD CLAIMS.

P. DEPARTMENT OF THE INTERIOR,

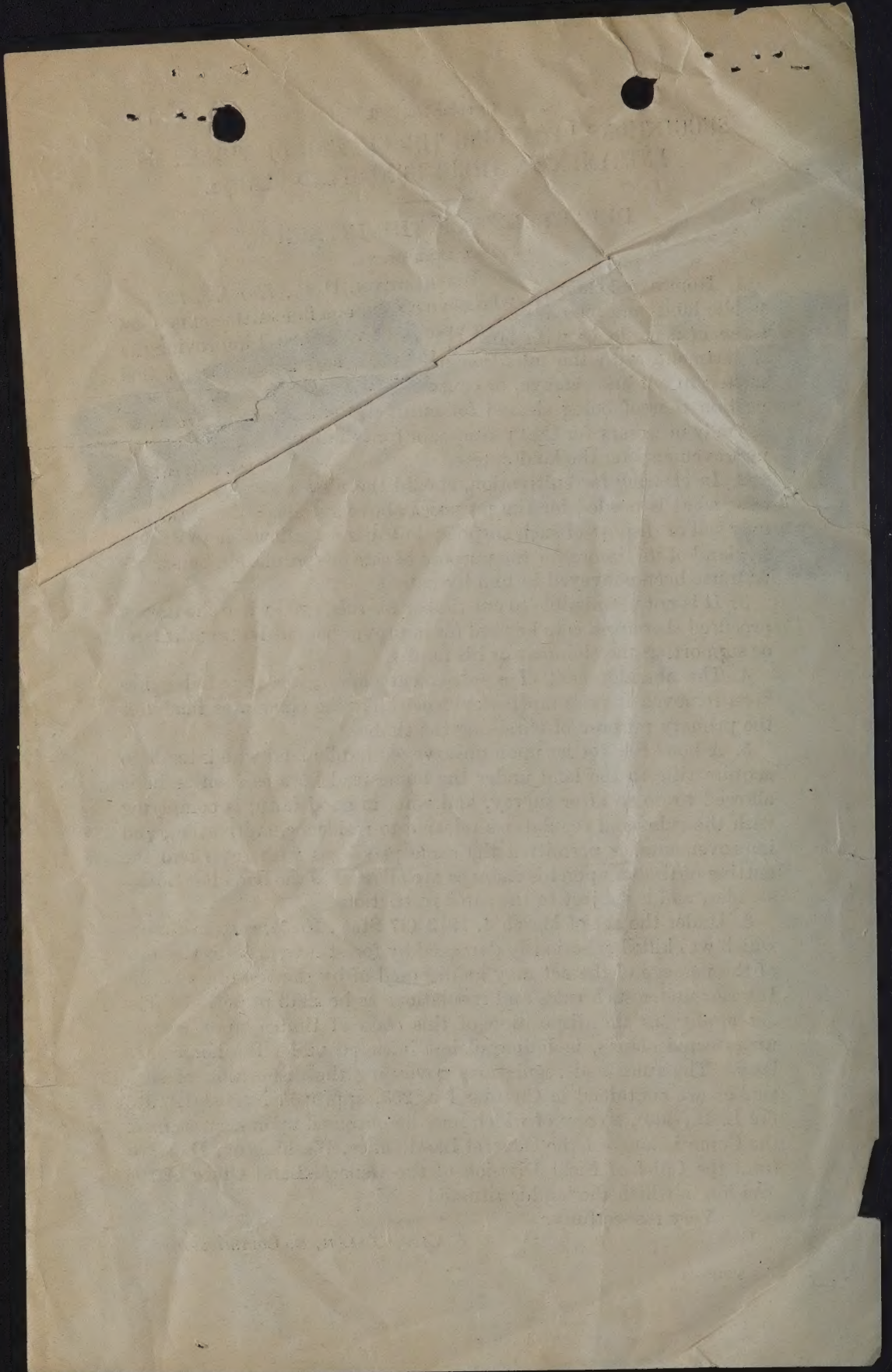
GENERAL LAND OFFICE,

WASHINGTON, D. C., March 7, 1914.

1. Homestead claimants who have made bona fide settlements upon public land, and who are living upon, cultivating, and improving the same in accordance with law and the rules and regulations of this department, with the intention of acquiring title thereto, are permitted to cut and remove, or cause to be cut and removed, from the portion thereof being cleared for cultivation, so much timber as is actually necessary for that purpose, or for buildings, fences, and other improvements on the land entered.
2. In clearing for cultivation, should there be a surplus of timber over what is needed for the purposes above specified, the entryman may sell or dispose of such surplus; but it is not allowable to denude the land of its timber for the purpose of sale or speculation before the title has been conveyed to him by patent.
3. It is not permissible to cut timber for *sale*, even when the money procured therefrom is to be used for improving or cultivating the land or supporting the claimant or his family.
4. The abandonment of a settlement claim after the timber has been removed is presumptive evidence that the claim was made for the primary purpose of obtaining the timber.
5. A bona fide settler upon unsurveyed public land who intends to acquire title to the land under the homestead laws as soon as he is allowed to do so after survey, and who, in good faith, is complying with the rules and regulations relative to residence, cultivation, and improvements, is permitted the same privileges with regard to the cutting of timber upon his claim as are allowed to the bona fide homesteader, and is subject to the same restrictions.
6. Under the act of March 4, 1913 (37 Stat., 1015), certain timber which was killed or seriously damaged by forest fires prior to the date of the passage of the act may be disposed of by the Secretary of the Interior under such rules and regulations as he shall prescribe. The act applies to the disposition of this class of timber upon certain unperfected claims, including claims initiated under the homestead laws. The rules and regulations governing the disposition of such timber are contained in Circular No. 258, approved August 1, 1913 (42 L. D., 300), a copy of which may be obtained upon request from the Commissioner of the General Land Office, Washington, D. C., or from the Chief of Field Division of the General Land Office of the division in which the land is situated.

Very respectfully,

CLAY TALLMAN, *Commissioner.*



APR 4 1914

In reply please refer to Circular No. 307.

"K" R.C.W.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

March 19, 1914.

: Amendments of General Recla-
: mation Circular approved by
: the Secretary of the Interior
: February 6, 1913, as amended
: to September 6, 1913.

Registers and Receivers,
United States Land Offices.

Sirs:

Several amendments of the General Reclamation Circular approved by the Secretary of the Interior February 6, 1913, as amended to September 6, 1913, which appears in 42 L. D., at page 349, having been approved by the Department since the last printing of said circular on September 6, 1913, it has been deemed proper to advise you at this time of such amendments that have been made to date in order that you may be governed in your actions by the latest Departmental regulations affecting entries within Government irrigation projects. The amendments are, therefore, listed in the order of the paragraphs of the General Reclamation Circular.

By Departmental order of November 10, 1913, Paragraph 4 was amended to read as follows:

Entries are permitted under the act of February 18, 1911, upon the relinquishment of an entry made prior to June 25, 1910, subject to the terms and conditions of the Reclamation law, and the right of entry to such land to one or more entries of entrymen is not limited. This act has no application upon relinquishment of an entry made prior to June 25, 1910, not subject to the terms and conditions of the Reclamation Law (Ethel M. Catron, 42 L. D., 2). The act does not apply where the cancellation of an entry made prior to

Circular No. 307--2.

June 25, 1910, was the result of a contest or relinquishment resulting from the same (Fred vs. Hook, 41 L. D., 67). The act is also inapplicable in the case of lands withdrawn under the first form and has reference only to lands covered by second-form withdrawals (Annie G. Parker, 40, L. D., 406).

By Departmental order of March 6, 1914, Paragraph 34 has been amended to read as follows:

Where it is desired to assign a part of an established farm unit, an application for the amendment and subdivision of such unit should be filed with the project manager. The assignment, with accompanying affidavit of the assignee must also be filed with the project manager for his consideration.

By Departmental order of March 6, 1914, Paragraph 36 has been amended to read as follows:

When the plats describing the amended farm units are approved by the project manager, he will forward copy of the amendatory plat, in duplicate, together with the assignment and accompanying affidavit, to the local land office, where the amendatory plat will be treated as an official amendment of the farm-unit plat, and one copy will be forwarded by the local land officers to the General Land Office, together with the assignment and accompanying affidavit. A copy of the amendatory plat should also be at once forwarded by the project manager to the Director's office at Washington, D. C., to be formally approved in the usual manner by authority of the Secretary.

By Departmental order of March 6, 1914, Paragraph 37 has been amended to read as follows:

No assignment of a homestead entry or any part thereof shall be accepted by the Commissioner of the General Land Office, or recognized as valid for any purpose, until after the filing in the local land office of the affidavits and certificates required by Paragraph 38.

By Departmental orders of January 26, 1914, and March 6, 1914, Paragraph 38 has been amended to read as follows:

Assignments under this act are expressly made "subject to the limitations, charges, terms, and conditions of the reclamation act," and inasmuch as the law limits the right of entry to one farm unit and forbids the holding of more than one farm unit prior to payment of all building and betterment charges, each assignor must present a showing in the form of an affidavit to the effect that the assign-

Circular No. 307--3.

ment is an absolute sale, divesting him of all interest in the premises assigned, and each assignee must present a showing in the form of an affidavit, duly corroborated, that he does not own or hold and is not claiming any other farm unit or entry under the reclamation law upon which all installments of building and betterment charges have not been paid in full and has no existing water-right applications covering an area of land which, added to that taken by assignment, will exceed 160 acres, or the maximum limit of area fixed by the Secretary of the Interior, and a further showing in the form of a certificate of the project manager that water-right application therefor is not yet receivable; or that the assignee has filed in the project office for acceptance a water-right application in due form for the land embraced in the assignment. A person whose husband or wife is claiming any farm unit or entry under reclamation law will not be allowed to take an assignment under the act of June 23, 1910 (36 Stat., 592). The affidavits above described should be in the following form, inserting the proper names and descriptions in the places indicated:

AFFIDAVIT OF ASSIGNOR.

That....., of, being duly sworn, deposes and says that his or her assignment under the act of June 23, 1910 (36 Stat., 592), of farm unit....., or the.....of section....., township....., range.....,meridian, is a bona fide and absolute sale of all his or her interest in and to the land and rights therein described and that the assignee takes and holds same, as far as affiant is concerned, absolutely and free from any claim, interest, or demand on the part of the affiant other than (if mortgaged so state).....

AFFIDAVIT OF ASSIGNEE.

That....., of, being duly sworn, deposes and says that he is the assignee of.....under the act of June 23, 1910 (36 Stat., 592), for farm unit..... of the, section, township....., range.....,meridian, and that he is a duly qualified assignee for the reason that he does not own or hold and is not claiming any other farm unit or entry under the reclamation act of June 17, 1902 (32 Stat., 388), or acts amendatory thereof or supplemental thereto, upon which payment in full of all installments of building and betterment charges have not been made, and that the water right for the lands hereinabove described, together with all water rights or lands held by him or her under the reclamation law do not exceed 160 acres of irrigable land and that this assignment is accepted subject to any unsatisfied mortgage against the lands or any part thereof duly filed and recorded in the local land office; that neither he nor his wife, nor ^{she or} her husband, is now holding or claiming any other farm unit or entry under the reclamation law upon which all installments of building and betterment charges have not been paid; and that he has no agreement or

Circular No. 307--4.

understanding by which any interest therein will inure to the benefit of another. Affiant further says that he has acquired the entire interest of the assignor in the tract assigned and does not hold same as trustee or in any other manner for or on behalf of the assignor.

By Departmental order of November 26, 1913, Paragraph 40 is amended to read as follows:

Mortgages of lands embraced in homestead or desert land entries within reclamation projects may file in the local land office for the district in which the land is located a notice of such mortgage interest, and shall thereupon become entitled to receive and be given the same notice of any contest, or other proceedings thereafter had affecting the entry as is required to be given the entryman in connection with such proceedings, and a like notice of mortgage interest may be filed with the project manager in case of any lands, whether or not water-right application has been filed under the provisions of the act of June 17, 1902 (32 Stat., 388), including homestead entries, desert-land entries, and lands in private ownership; and thereupon the mortgage shall receive copies of all notices of default in payment of the water-right charges levied by the Secretary of the Interior against such lands, and shall be permitted to make payment of the amount so in default within 60 days from the date of such notice. Any payment so made shall be credited on the charges levied by the Secretary of the Interior against such lands.

By Departmental order of October 30, 1913, Paragraph 56 has been amended to read as follows:

To establish compliance with the clause of the Reclamation law that requires reclamation of at least one-half of the irrigable area of an entry made subject to the provisions of that law, the land must have been cleared of brush, trees, and other incumbrances, leveled, provided with sufficient laterals for effective irrigation of the required area, put into proper condition for growing crops, planted to crops, watered and cultivated. It is also necessary that the growth of a satisfactory crop be secured thereon for at least two successive years. A satisfactory crop shall be one for which the yield is at least two-thirds of the average yield on similar land of the project for the year in which it was grown. Plantings of trees or vines of which 75 per cent shall be in a thrifty condition and 50 per cent shall have had at least two years' growth from time of planting in the orchard, will be accepted as satisfactory crops for the area covered thereby. Such reclamation must have been continued to the date of approval of proof by the project manager.

Circular No. 307--5.

By Departmental order of January 28, 1914, it was provided that amended Paragraph 56 shall not apply to any proofs of reclamation submitted on or before May 1, 1914.

You will, therefore, be governed by the above amendments of the said General Reclamation Circular and acknowledge receipt of this letter.

Very respectfully,

(Signed) CLAY TALLMAN,

Commissioner.

3-12-WJD

In reply please refer to Circular No. 309.

1910-74983

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

March 25, 1914.

Registers and Receivers, : Credit for residence
United States Land Offices. : during contest.

Sirs:

Your attention is invited to the communication printed below, and you will be governed accordingly.

Respectfully,

(Signed) C. M. Bruce,
Assistant Commissioner.

March 14, 1914.

The Commissioner
of the General Land Office.

Sir:

46 It was stated in departmental instructions of September 24, 1910 (39 L. D., 230), that credit for residence will not be allowed in final proof in support of a homestead entry during the time the land is not subject to entry by the person maintaining the residence. Said instructions were modified August 19, 1911 (40 L. D., 236), so as to allow credit for such residence in cases where a contestant established residence prior to September 24, 1910, and has since maintained such residence and succeeded in producing cancellation of the entry under contest and made entry in his own behalf following such cancellation.

The question of allowing credit for residence maintained prior to the time when the land has become subject to entry, has arisen in a somewhat different form in a case pending before the Department and after very careful consideration it is believed that the instructions of August 19, 1911, supra, should not have limited credit for such residence to persons who had established residence prior to September 24, 1910. The rule is, therefore, redrafted in the form given below, viz:

A contestant who settles upon the land embraced in the entry under contest and maintains residence thereon, may be credited with the full period of such residence where the contested entry is afterwards canceled and the contestant is permitted to make homestead entry.

Very respectfully,

(Signed) ANDRIEUS A. JONES,

First Assistant Secretary.

CIRCULAR No. 310. *Amended however, still by C. 1819, in effect. 5/26/52*

Part 106, C.R.

**AMENDMENT TO CIRCULAR OF AUGUST 11, 1909,
RELATING TO PUBLICATION OF FINAL-
PROOF NOTICES.**

Also see C. 17774 1455

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, April 4, 1914.

To Registers and Receivers and Chiefs of Field Division.

SIRS: The Instructions of August 11, 1909 (38 L. D., 131), relative to publication of final-proof notices and concerning the discretionary authority of registers in the selection of newspapers for that purpose, are hereby amended by the insertion of the following after paragraph twelfth thereof:

Thirteenth. Any person having knowledge of the failure of a register to designate the proper newspaper for the publication of notice of final proof may file with the Chief of the Field Division in which the land district is situated a corroborated affidavit fully setting forth all the facts and circumstances.

Fourteenth. On receipt of such affidavit, the Chief of Field Division shall cause a prompt investigation to be made and submit full report to the Commissioner of the General Land Office, who shall then take such action as the facts may warrant.

Fifteenth. The law imposes upon registers the duty of procuring the publication of proper final-proof notices, and charges the claimant with no obligation in that behalf, except that he shall bear and pay the cost of such publication. Registers should accordingly exercise the utmost care in the examination of such notices and in the comparison thereof with the records of their offices, to the end that they may not go to the printer containing any erroneous description of the entered land, or designating an officer not authorized to receive the proof, or that they shall not be for any other reason insufficient.

It is equally important that a notice correct in all of these particulars shall not be published in a newspaper manifestly disqualified as a means of publication and clearly incapable of bringing the notice to the attention of the people dwelling in the vicinity of the lands to which it relates.

Neglect of the duty above defined, resulting in a requirement of republication, should not visit its penalty upon the claimant. In all such cases, therefore, the register by whom the publication was procured will be required to effect the necessary republication at his own proper expense. If an error is committed by the printer of the paper in which the notice appears, the register may require such printer to correct his error by publishing the notice anew for the necessary length of time, and for his refusal to do so may decline to designate his said paper as an agency of notice in cases thereafter arising.

Yours respectfully,

CLAY TALLMAN,
Commissioner.

Approved:

ANDRIEUS A. JONES,
First Assistant Secretary.

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES

REPORT OF THE
COMMISSIONER OF THE GENERAL LAND OFFICE

FOR THE YEAR 1900

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
REPORT OF THE
COMMISSIONER OF THE GENERAL LAND OFFICE
FOR THE YEAR 1900

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REPORT OF THE
COMMISSIONER OF THE GENERAL LAND OFFICE
FOR THE YEAR 1900

AMENDMENT TO CIRCULAR OF AUGUST 11, 1909,
RELATING TO PUBLICATION OF FINAL-
PROOF NOTICES.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, April 4, 1914.

To Registers and Receivers and Chiefs of Field Division.

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Yours respectfully,

CLAY TALLMAN,
Commissioner.

Approved:

ANDRIEUS A. JONES,
First Assistant Secretary.

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

REPORT OF THE
COMMISSIONERS OF THE
BOARD OF CHEMISTRY

FOR THE YEAR 1900

The Board of Chemistry, created by the University of Chicago in 1892, has the honor to submit to the University the following report for the year 1900. The Board has the pleasure to announce that during the year 1900 it has been able to secure the appointment of several new members to the Board, and that the Board has been able to secure the appointment of several new members to the Board.

The Board has the pleasure to announce that during the year 1900 it has been able to secure the appointment of several new members to the Board, and that the Board has been able to secure the appointment of several new members to the Board.

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APR 17 1914

In reply please refer to Circular No. 311.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

April 6, 1914.

Registers and Receivers and
Chiefs of Field Divisions.

: Requiring notices, motions and
: commissions for taking oral
: depositions to contain names
: and postoffice address of all
: witnesses whose testimony is
: desired.

Sirs:

On March 12, 1914, in remanding for further hearing the case of ex parte Albert Clark et al., Waterville, Washington, 04706, the Department made the following rulings in reference to the taking of oral depositions under the act of January 31, 1903 (32 Stat., 790):

"Said act under which these depositions were taken does not limit such depositions to written interrogatories, but it is in the discretion of the land department and of the Chief of Field Division acting therefor to take depositions orally, although no instructions to that effect appear to have been issued prior to May 9, 1913 (42 L. D., 160).

"The address of the witness Buckley, for the taking of whose deposition commission issued and notice was served, was not properly given. Stating his address as Lincoln County merely did not afford the opposite party sufficiently specific information. His address or residence within the county should have been given.

"The other witness, Rundle, whose deposition was also taken, was not named at all, as stated, either in the commission or in the notice. His name and particular address should have been given in said notice and in the commission, and the taking of his deposition without these jurisdictional preliminaries was unauthorized."

The future supplies of blank forms will be changed to conform to the above rulings of the Department. In the meantime, you will see that all notices, motions and commissions for taking oral depositions under said act contain the names and postoffice addresses within the county of all the witnesses whose testimony is desired; and in all cases where the taking of such depositions is now pending and in which the notices, motions or commissions are defective under the above rulings, you will promptly take proper steps to correct such defects.

Very respectfully,

JOHN McPHAUL,
Acting Assistant Commissioner.

In reply please refer to Circular No. 311.

APR 16 1914

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

April 6, 1914.

Registers and Receivers and
Chiefs of Field Divisions.

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Very respectfully,

JOHN MCPHAUL,
Acting Assistant Commissioner.

MAY - 2 1914

In reply please refer to Circular No. 314.

SOLDIER'S ADDITIONAL APPLICATIONS. APPROXIMATION.

Instructions.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

April 11, 1914.

Registers and Receivers,
United States Land Offices.

Gentlemen:

Circulars of March 8, 1913 (41 L. D., 490), and July 2, 1913 (42 L. D., 208), were revoked by the Department's decision of March 11, 1914, in the case of William C. McGehee, assignee of Reese P. Kendall (Jackson 05998), and a new rule of approximation in the location of applications under Sections 2306 and 2307, R. S., was adopted, which is as follows:

Approximation will be permitted in the location of an entire and undivided additional right of a soldier, whether such right be located singly or in combination with other soldiers' additional rights. Where the additional right of a soldier has been divided, only one application of the rule of approximation will be permitted under the right of such soldier. (Guy A. Eaton, 32 L. D., 644). No distinction will be made in applying this rule as to rights located singly or in combination with other such rights.

It was further stated in said decision that locations made prior to the Spaeth decision (41 L. D., 487-9), "may be adjudicated under the rule regarding approximation in force at the time of such locations, or under this rule, at applicant's election."

All applications under Sections 2306 and 2307, R. S., filed in your office, will continue to be transmitted to this office for consideration and appropriate action as heretofore.

CLAY TALLMAN,

Commissioner.

Approved: April 11, 1914.

LEWIS C. LAYLIN,
Assistant Secretary.

MAY - 1914

is reply please refer to Circular No. 2141

DEPARTMENT OF THE INTERIOR, BUREAU OF LANDS

Washington

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

April 11, 1914

Special Agents and Inspectors,
United States Land Office.

Dear Sirs:

On March 6, 1913 (41 L. O. 4501, and July 2, 1913 (41 L. O. 4502), were received by the Department's decision of March 1, 1914, in the case of William C. McPherson, against the United States, (Section 3206), and a new rule of appropriation in the location of applications under Section 3206 and 3207, R. S. 2479, which is as follows:

Applications will be permitted in the location of an entire and undivided additional tract of a soldier, whether such tract be located singly or in combination with other additional tracts. Where the additional right of a soldier has been divided, only one application of the rule of appropriation will be permitted under the rule of each soldier. Any soldier, however, who has divided his right of appropriation with another soldier, may make up such right as he may have located singly or in combination with such other soldier.

It is further stated in said decision that locations made prior to the 1st of January (41 L. O. 4497-7), may be adjusted when the rule of appropriation is located at the time of such location, or under this rule, at applicant's election.

All rights of land under Sections 3206 and 3207, R. S. 2479, filed prior to the 1st of January, 1914, are to be treated as if they were filed under the rule of each soldier as hereinbefore.

Very truly,
Chief Clerk.

Respectfully,
Special Agents and Inspectors.

Approved: April 11, 1914.

LEWIS C. BROWN,
Assistant Secretary.

2-24-14

CIRCULAR No. 317.

PUBLIC SALE OF LANDS—QUALIFICATIONS AS TO
CITIZENSHIP.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
WASHINGTON, April 18, 1914.

Registers and Receivers, U. S. Land Offices.

SIRS: In accordance with departmental instructions of January 31, 1914, you are advised that the Department is of the opinion that the rule announced in the case of Andrew Rafshol (38 L. D., 84) was a proper one and that it should be applied to all purchasers at public sale where the right to purchase was not limited by the statutes to native born or naturalized citizens.

Therefore, in the case of all sales of public lands where the right to purchase is not thus limited, it will be sufficient if the purchaser shows that he has declared his intention to become a citizen of the United States in order to entitle him to purchase at such sale. You will be governed accordingly and will adjudicate all pending cases of purchases at public sale in accordance with this regulation.

The regulation of December 18, 1912 (41 L. D. 443), requiring purchasers of isolated tracts to be citizens of the United States, is modified to conform to the foregoing.

Very respectfully,

JOHN MCPHAUL,
Acting Assistant Commissioner.

Approved:

A. A. JONES,
First Assistant Secretary.

MAY 15 1914
MAY 15 1914
MAY 15 1914

In reply please refer to Circular No. 318.

"A" 401248

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

May 2, 1914.

: Relative to leaves of absence
: of employees who are members
: of organized militia.

Registers and Receivers,
U. S. Surveyors General.
Chiefs of Field Division,
Supervisors of Surveys,
and Other Field Officers.

Sirs;

Your attention is called to the following order of the
Secretary of the Interior, dated February 10, 1914:

Absences of employees of this Department, in and outside
of Washington, D. C., who are members of the organized militia
and who perform military duty ordered and certified by com-
petent authority, shall not adversely affect their efficiency
ratings.

Very respectfully,

CLAY TALIMAN,

Commissioner.

409

In reply please refer to Circular No. 112.

4-10222

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

May 2, 1914.

Reference is made to letter of December 1, 1913, of the Department of the Interior, and to the report of the Commission on the subject of the same date.

Enclosed are herewith the report of the Commission on the subject of the same date, and the report of the Commission on the subject of the same date.

Very truly yours,

Your attention is called to the following order of the

Secretary of the Interior, dated February 10, 1914:

The Commission on the subject of the same date, in and containing the report of the Commission on the subject of the same date, and the report of the Commission on the subject of the same date.

Very respectfully,

CLAY TALLMAN,

Commissioner.

25 1914

In reply please refer to Circular No. 320.

"M" CTMC

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

May 7, 1914.

ACCOUNTS: Checks returned
unclaimed.

Receivers of Public Moneys,
United States Land Offices.

Sirs:

Paragraphs 160, 161 and 162 of Circular No. 105 are amended to read as follows:

160. Checks returned unclaimed.--Where checks issued by Receivers for return of "Unearned Moneys" have been returned as unclaimed, they should be retained in the possession of the Receiver, to be delivered to the payee when applied for. After the expiration of five years from the date the moneys covered thereby were originally received by the Receiver, such checks should be transmitted with the return of outstanding checks (hereinafter provided for), in which they are included, to this office, which will forward them to the Secretary of the Treasury, who will direct the withdrawal of their amounts from the depositories for deposit to the credit of the appropriation, "Outstanding Liabilities" and the personal credit of the payee, as provided by the Act of March 2, 1907. (See 34 Stat., 1245.)

161. Receivers of Public Moneys should not deposit to the credit of the Treasurer of the United States on account of "Outstanding Liabilities" the amount of "Unearned Moneys" on hand for five years or more that are represented by checks issued by them for the refund of such moneys to applicants which remain outstanding, but they should make a return, in duplicate, of such checks to this office at the end of each quarter and they will be forwarded to the Secretary of the Treasury.

162. Whenever any Receiver of Public Moneys shall cease to act in that capacity, he should at once inform the Secretary of the Treasury what checks, if any, drawn by him are still outstanding and unpaid. If the checks are in his possession he should

MAY 25 1914

Circular No. 320--2.

transmit them to this office with a schedule thereof, in duplicate, for reference to the Auditor for the Interior Department for file with his schedule to await claim of payees for delivery to them.

Very respectfully,

C. M. BRUCE,

Assistant Commissioner.

APPROVED: May 7, 1914.

A. A. JONES,

First Assistant Secretary.

4-25 BK

18 1914

In reply please refer to Circular No. 321.

"M" CTMC

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

May 8, 1914.

ACCOUNTS: Receiver's duplicate
checks.

Receivers of Public Moneys,

United States Land Offices.

Sirs:

The Comptroller of the Treasury by decision dated April 29, 1914, holds that section 3646, Revised Statutes, as amended, applies to the issuance of duplicate checks by Receivers of Public Moneys, therefore, paragraph 163 of Circular No. 105 is abrogated, and, in the future, you will be guided by the instructions contained in paragraph 221 of the circular noted above.

Very respectfully,

C. M. BRUCE,

Assistant Commissioner.

5-6-BK

In reply please refer to Circular No. 322.

MAY 25 1914

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

May 14, 1914.

Accounts: Trust Funds -
Unearned Moneys, on
hand June 30, 1914.

Registers and Receivers,

United States Land Offices.

Sirs:

You are hereby directed to submit with your accounts for the quarter ending June 30, 1914, on Form 4-103, an itemized list, in triplicate, of Trust Funds - Unearned Moneys, showing date of deposit, number of receipt, serial number, name of depositor, purpose of deposit and amount. The total amount thereof should agree with the total amount of Trust Funds - Unearned Moneys on hand June 30, 1914, as shown in your quarterly Account Current.

In order to avoid unnecessary correspondence and corrections in said list, you will upon receipt of these instructions, proceed carefully to examine your records with a view of discovering any discrepancies so that the list furnished may be correct in every particular before transmittal.

You are further directed to deposit to the credit of the Treasurer of the United States on account of "Outstanding Liabilities" all moneys that have remained unclaimed for a period of five years or more as required by the act of March 2, 1907 (34 Stat., 1245).

Please acknowledge receipt hereof by return mail.

Very respectfully,

CLAY TALLMAN,

5-9-IVG.

Commissioner..

MAY 26 1914

In reply please refer to Circular No. 323.

"C" - R.A.S.

*Report made
7/6/14 - 20 p. 118*

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

May 18, 1914.

: Report as to unappropriated
: lands called for.

Registers and Receivers,
United States Land Offices.

Sirs:

Inclosed herewith is a blank form (4-349) upon which you will report, by counties, the area of the unappropriated lands in your district on July 1, 1914, the data as to the surveyed lands to be obtained from the township plats, while as to the unsurveyed lands you will proceed as in the past. In the last column of the form should be inserted a brief statement of the character of the lands.

Lands withdrawn for forest reserves, or for Indian and national park purposes, should be treated as appropriated, and not reported on this form.

Lands withdrawn for resurvey should be reported as unsurveyed.

Should your report show any increases in area in any county, you will explain the cause thereof.

Forward your report by letter NOT LATER than July 10, 1914, even though it be necessary to suspend the greater part of other work in your office.

A copy of Circular No. 259, containing last year's report from your district, is inclosed.

Acknowledge receipt hereof on the inclosed card.

Very respectfully,

CLAY TALLMAN,

Commissioner.

CIRCULAR No. 324.

DISPOSITION OF APPLICATIONS, FILINGS, AND SELECTIONS.

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE,

Washington, May 22, 1914.

Registers and Receivers, United States Land Offices.

SIRS: Hereafter when lands unsurveyed or withdrawn or reserved are to become subject to disposition under the laws applicable thereto by the filing of a township plat of survey or by restoration to entry from such withdrawals or reservations all applications, filings, or selections therefor may be executed in the manner required by law and, with the required fee and commissions, be presented to the proper local land office in person, by mail, or otherwise within the period of 20 days prior to the date of filing the township plat or of restoration to entry, unless the law or the regulations governing the disposition of a particular application or the land affected otherwise provide. No priority will be secured nor right forfeited by the presentation of such application, filing, or selection in the manner and within the time prescribed prior to the filing of the township plat or the restoration of the land to entry, and all such applications, filings, and selections shall, with those presented by persons present at the local office at the hour the lands become subject to entry, be held and treated as simultaneously filed.

Applications presented after the lands become subject to entry will be received and noted in the order of their filing.

Any application, filing, or selection not based on a prior settlement right will be subject to valid settlement claims asserted in the manner required by law.

The register and receiver will carefully compare all applications simultaneously filed as aforesaid and will dispose of them as follows:

1. Where there is no conflict the application shall be allowed, irrespective of whether settlement is alleged.

2. In case of conflicting applications and only one of the applicants alleges prior settlement, his application shall be allowed and the others rejected.

3. If two or more conflicting applications are received, each containing allegations of prior settlement, a hearing shall be ordered to determine the priority of right, and it shall be restricted to those alleging such right.

4. Where there are applications conflicting in whole or in part in which no one of the several applicants claims prior settlement the register and receiver will write on cards the names of the several applicants, and each of these cards shall be placed in an envelope upon which there is no distinctive or identifying mark, and at 2 o'clock p. m. on the date of opening to entry, if practicable (if not, at the same hour one week later), after all the envelopes containing the names of the several applicants shall have been thoroughly mixed in the presence of such persons as may desire to be present, they shall be drawn and numbered in order. The cards as numbered and drawn will be securely fastened to the applications of the respective persons, and the applications shall be allowed in such order. Where any applicant fails to obtain all the land applied for by him he will be permitted to elect whether he will retain the land secured and amend his application to embrace other lands not affected by pending applications and otherwise subject thereto when such amended application is presented, or withdraw his original application without prejudice, and in the event of such withdrawal the fee and commissions will be returned by the receiver. Applications conflicting in whole with those previously allowed will be rejected in the usual manner.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:

ANDRIEUS A. JONES,
First Assistant Secretary.

○

MAY 29 1914

In reply please refer to Circular No. 324.

L.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

May 22, 1914.

: Disposition of applications,
: filings and selections.

Registers and Receivers,

United States Land Offices.

Sirs;

3
4
Hereafter when lands unsurveyed or withdrawn or reserved are to become subject to disposition under the laws applicable thereto by the filing of a township plat of survey or by restoration to entry from such withdrawals or reservations, all applications, filings or selections therefor may be executed in a manner required by law, and, with the required fee and commissions, be presented to the proper local land office in person, by mail or otherwise, within the period of twenty days prior to the date of filing the township plat or of restoration to entry, unless the law or the regulations governing the disposition of a particular application or the land affected otherwise provide. No priority will be secured nor right forfeited by the presentation of such application, filing or selection in the manner and within the time prescribed prior to the filing of the township plat or the restoration of the land to entry, and all such applications, filings and selections shall, with those presented by persons present at the local office at the hour the lands become subject to entry, be held and treated as simultaneously filed.

Applications presented after the lands become subject to entry will be received and noted in the order of their filing.

Any application, filing or selection not based on a prior settlement right will be subject to valid settlement claims asserted in the manner required by law.

The Register and Receiver will carefully compare all applications simultaneously filed as aforesaid and will dispose of them as follows:

Duplicate of no. 450

CIRCULAR No. 325.

COMMUTATION PROOF—REVISED REGULATIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, May 27, 1914.

Registers and Receivers, United States Land Offices.

SIRS: Paragraph 3 of the circular of October 18, 1907 (36 L. D., 124), wherein the rule is laid down that in no case can commutation proof be accepted when it fails to show that the required residence and cultivation continued to the date on which notice of intention to make such proof was filed, is hereby revoked and the following substituted therefor:

3. (a) The entryman, or his statutory successor, must, as a general thing, show substantially continuous residence upon the land, maintained until the submission of the proof or filing of notice of intention to submit same, the existence of a habitable house upon the claim, and cultivation of not less than one-sixteenth of its acreage. However, the proof may be accepted where actual residence for the required period is shown, even though slightly broken, provided it be in reasonably compact periods; and the failure to continue the residence until filing of notice to submit proof will not prevent its acceptance if the Land Department be fully satisfied of entryman's good faith, and provided no contest or adverse proceeding shall have been initiated for default in residence, or other good cause, prior to filing such notice.

(b) Where a contest is initiated against an entry, prior to filing of notice to submit commutation proof, the entry will be considered under sections 2291 and 2297, Revised Statutes, as amended, and the homesteader's absence will not be excused upon the ground that he has complied with the law for 14 months and is under no obligation to further reside upon the land. However, a contest for abandonment can not be maintained if the absence after the 14 months' residence is pursuant to a leave of absence regularly and properly granted under the act of March 2, 1889, or under conditions which would have entitled the entryman to such leave upon formal application therefor, and such absence will not prevent the submission of acceptable commutation proof.

(c) An entryman submitting commutation proof may add together, to make up the 14 months, periods of residence before and after an absence under a leave of absence regularly granted, or an absence of not exceeding five months of which he had given notices as provided by the act of June 6, 1912.

(d) In cases where the entry was made before June 6, 1912, commutation proof may be submitted under the law theretofore in force.

In that event, there need be no showing of cultivation of a specific proportion of the acreage, and full citizenship need not be shown; on the other hand, the five months' absence privilege does not apply.

Subparagraph 2 of paragraph 36 of circular No. 290, containing "Suggestions to Homesteaders," dated January 2, 1914 (43 L. D., 1), is modified in accordance with the foregoing.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:

ANDRIEUS A. JONES,
First Assistant Secretary.

○

CIRCULAR No. 325.

COMMUTATION PROOF—REVISED REGULATIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, May 27, 1914.

Registers and Receivers, United States Land Offices.

SIRS: Paragraph 3 of the circular of October 18, 1907 (36 L. D., 124), wherein the rule is laid down that in no case can commutation proof be accepted when it fails to show that the required residence and cultivation continued to the date on which notice of intention to make such proof was filed, is hereby revoked and the following substituted therefor:

3. (a) The entryman, or his statutory successor, must, as a general thing, show substantially continuous residence upon the land, maintained until the submission of the proof or filing of notice of intention to submit same, the existence of a habitable house upon the claim, and cultivation of not less than one-sixteenth of its acreage. However, the proof may be accepted where actual residence for the required period is shown, even though slightly broken, provided it be in reasonably compact periods; and the failure to continue the residence until filing of notice to submit proof will not prevent its acceptance if the Land Department be fully satisfied of entryman's good faith, and provided no contest or adverse proceeding shall have been initiated for default in residence, or other good cause, prior to filing such notice.

(b) Where a contest is initiated against an entry, prior to filing of notice to submit commutation proof, the entry will be considered under sections 2291 and 2297, Revised Statutes, as amended, and the homesteader's absence will not be excused upon the ground that he has complied with the law for 14 months and is under no obligation to further reside upon the land. However, a contest for abandonment can not be maintained if the absence after the 14 months' residence is pursuant to a leave of absence regularly and properly granted under the act of March 2, 1889, or under conditions which would have entitled the entryman to such leave upon formal application therefor, and such absence will not prevent the submission of acceptable commutation proof.

(c) An entryman submitting commutation proof may add together, to make up the 14 months, periods of residence before and after an absence under a leave of absence regularly granted, or an absence of not exceeding five months of which he had given notices as provided by the act of June 6, 1912.

(d) In cases where the entry was made before June 6, 1912, commutation proof may be submitted under the law theretofore in force.

In that event, there need be no showing of cultivation of a specific proportion of the acreage, and full citizenship need not be shown; on the other hand, the five months' absence privilege does not apply.

Subparagraph 2 of paragraph 36 of circular No. 290, containing "Suggestions to Homesteaders," dated January 2, 1914 (43 L. D., 1), is modified in accordance with the foregoing.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:

ANDRIEUS A. JONES,
First Assistant Secretary.

○

6/2-2017
JUN 4 1914

In reply please refer to Circular No. 326.

"A"

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

May 28, 1914.

: Calling for signatures of
: Vol. 42, Land Decisions.

Registers and Receivers,
U. S. Surveyors General and
Chiefs of Field Divisions.

Sirs:

You are hereby advised that Volume 42 of the Land Decisions is now complete. Signatures of this volume, 1 to 39, comprising pages 1 to 617, you will please arrange in proper order and return at once to this office for binding. A bound copy will be forwarded to you as soon as possible. Give this matter your immediate attention as the sooner the volume is received here the quicker a bound copy can be mailed to you.

Very respectfully,

C. M. BRUCE,

Assistant Commissioner.

JUN 13 1914

In reply please refer to Circular No. 328.

"M" CTMC

1 Inc.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

June 5, 1914.

ACCOUNTS AND RETURNS: Annual
Report.

Registers and Receivers,

United States Land Offices.

Sirs:

By letter of May 16, the Department has directed that the annual report of the operations of the General Land Office for the fiscal year ending June 30, 1914, be submitted to the Department at the earliest practical date, and not later than September 1, 1914.

47
You are directed to submit your returns and accounts promptly at the close of business on June 30, 1914, in order that the statistical records of this office may be tabulated and compiled prior to August 15, 1914, the date upon which I wish to have the office report in my possession.

Please acknowledge these instructions on the inclosed post card.

Very respectfully,

CLAY TALLMAN,

6-4-BK

Commissioner.

JUN 13 1914

In reply please refer to Circular No. 222.

I am,

Very truly,

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

June 6, 1914.

ACCOUNTS AND RETURNS Annual
Report.

Respectfully,
United States Land Officer.

Dear Sir:

By letter of May 10, the Department has directed that
the annual report of the operations of the General Land Of-
fice for the fiscal year ending June 30, 1914, be submitted
to the Department at the earliest practicable date, and not
later than September 1, 1914.

The act directed to submit your returns and accounts
monthly at the close of business on June 30, 1914, in ac-
cordance with the instructions of this office may be con-
sidered and completed prior to August 15, 1914. The date upon
which I wish to have the office report in my possession
Please acknowledge these instructions on the enclosed

Very truly,

Very respectfully,

RAY TAYLOR

Commissioner

2-4-14

JUN 13 1914

In reply please refer to Circular No. 329.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

June 5, 1914.

: Discontinuance of annual author-
: ization for clerical assistance.

Registers and Receivers,
and U. S. Surveyors General.

Sirs:

Your attention is called to the following excerpt from a decision by the Comptroller of the Treasury dated February 17, 1914:

So also, the employees are understood as constituting the permanent force of the office, subject of course to being appropriated for, and, being such as are appointed by the commissioner, a new appointment and new oath each fiscal year is not required. Where, however, there is a promotion, demotion, or transfer, it requires a new appointment and a new oath must be taken. It is to be understood also that where the employment is temporary, the period of service is specified and to continue it for a further period a new appointment is required.

4.6 In view of the foregoing decision the annual authorization heretofore issued at the beginning of each fiscal year for the continuance of the employment of the permanent clerical force in your respective offices, and requiring new oaths of office, is discontinued. The permanent force will be continued without change in status, unless otherwise ordered.

Authorizations and appointments will be issued hereafter in cases of change of status or new appointment only. The decision referred to in no manner relieves you from the necessity for procuring specific authority from this office before incurring any expense whatever in the conduct of the affairs of your respective offices, other than a continuation of permanent clerks.

Respectfully,

CLAY TALLMAN,
Commissioner.

6-5-HMO

July 12 1914

In reply please refer to Circular No. 522.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

June 21, 1914.

1. Discontinuance of annual audit-
tion for clerical assistance.

Respectfully,
and U. S. Surveyor General.

Sir:

Your attention is called to the following excerpt from a de-
cision by the Comptroller of the Treasury dated February 17, 1914:

It is also, the employees are understood to consist of
the permanent force of the office, subject of
course to being superseded for, and, being such as
are appointed by the Commissioner, a new appointment
and new each each fiscal year is not required. Where,
however, there is a promotion, demotion, or transfer,
it requires a new appointment and a new each must be
taken. It is to be understood also that where the
employee is reappointed, the period of service is
specified and is continuous if for a further period a
new appointment is required.

In view of the foregoing decision the annual authorization
heretofore issued at the beginning of each fiscal year for the
continuance of the employees of the permanent clerical force in
your respective offices, and receiving new rates of office, is
discontinued. The permanent force will be continued without
change in status, unless otherwise ordered.

Authorizations and appointments will be issued hereafter in
cases of change of status of new appointments only. The decision
referred to in no manner relieves you from the necessity for pro-
viding specific authority from this office before making any
transfer, however, in the conduct of the affairs of your respective
offices, other than a continuation of permanent clerical.

Respectfully,

CLAY TALKER,
Commissioner.

2-5-1914

JUL 27 1914

In reply please refer to Circular No. 336.

"K" R.C.W.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

July 10, 1914.

: Officers authorized to
: administer oaths.

Registers and Receivers,

United States Land Offices.

Sirs;

There has been a lack of uniformity in the practice relating to the acceptance of the affidavits of assignors and assignees in assignments of reclamation homestead entries under the provisions of the act of June 23, 1910 (36 Stat., 592), and the affidavit of the entryman, and the affidavits corroborative thereof, in making proof of reclamation and of the payment of the water-right charges on reclamation homestead entries as the basis for the issuance of final certificate and patent on such entries under the provisions of the act of August 9, 1912, (37 Stat., 388). Hereafter such affidavits sworn to before any officer authorized to administer oaths and having a seal, will be accepted by this office.

Very respectfully,

CLAY TALLMAN,

7-3-WJD.

Commissioner.

AUG 3 1914

In reply please refer to Circular No. 338.

Leadville, 0352. "K"

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

July 22, 1914.

: Instructions. Forest Service
: officers to be notified of in-
: tention to submit proof.

Registers and Receivers,

United States Land Offices.

Sirs:

Attention is called to the circular of instructions dated December 31, 1910 (39 L.D., 436), directing that in all cases of application to submit final proofs, etc., on public lands, the register and receiver shall at once forward a copy of such notice to the proper chief of field division, and where the land is situated within the limits of a national forest copies in triplicate should also be sent to the officer in charge thereof. ✓

433 The attention of this office has recently been called by the Forest Service to several cases of final proofs upon homestead entries within national forests, under the act of June 11, 1906, (34 Stat., 233), wherein the forest supervisor was not notified of the intention to submit such proofs.

You will, therefore, exercise care in seeing that the forest supervisor is served with notice of such intention to submit proof in all cases where the lands are within a national forest.

Very respectfully,

CLAY TALLMAN,

Commissioner.

7-17-MT.

in reply please refer to Circular No. 338.

Respectfully,
Yours,
C. W. C.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

July 22, 1914.

: Inspected. Forest Service
: Officers to be notified of in-
: tended to submit proof.

Respectfully,
Yours,
C. W. C.

United States Land Office.

27

Attention is called to the circular at Washington dated
December 22, 1910 (200 D.O., 188), directing that in all cases of
application to submit final proofs, etc., on public lands, the
register and receiver shall at once forward a copy of such notice
to the proper chief of field division, and where the land is
situated within the limits of a national forest reserve to the
chief of such reserve. It is the policy of the Department to have
such notices given to the chief of the office in charge thereof.

The attention of this office has recently been called to the
fact that in several cases of final proofs upon national
forests within national forests, under the act of June 11, 1906,
(34 Stat., 225), wherein the forest supervisor was not notified
of the intention to submit such proofs.
The will, therefore, exercise care in seeing that the forest
supervisor is served with notice of such intention to submit proof
in all cases where the lands are within a national forest.

Very respectfully,

CLAY TILMAN,

Commissioner.

7-19-14.

AUG 8 - 1914

In reply please refer to Circular No. 339.

"FS"

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

July 30, 1914.

Giving instructions relative to
investigations of State and
railroad selections as to
mineral character.

Registers and Receivers,

United States Land Offices,

and Chiefs of Field Division.

Sir:

454 You are hereby advised that hereafter the instructions con-
tained in Circular No. 86, of March 5, 1912, relative to investi-
gation of State and railroad selection lists will be in force
and effect and it will not be necessary for registers and re-
ceivers to advise the proper chief of field division of the ac-
ceptance of any State or railroad selections.

The chiefs of field division will be advised as to the in-
vestigation of these lists by this office.

All instructions in conflict herewith are hereby revoked.

Respectfully,

(Signed) CLAY TALIMAN,

Commissioner.

7-18-RCL.

In reply please refer to Dispatch No. 230.

230

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

July 30, 1914.

Giving instructions relative to
investigations of State and
railroad relations as to
alleged character.

Registers and Returns.

United States Land Office.

and Office of Field Division.

Sir:

You are hereby advised that heretofore the instructions con-
tained in Dispatch No. 230, of March 2, 1912, relative to investi-
gations of State and railroad relations as to alleged character
and returns and as will be necessary for registers and re-
turns to advise the proper chief of field division of the ac-
currence of any State or railroad relations.
The enclosed field division will be advised as to the in-
vestigation of these matters by this office.
All investigations in connection herewith are hereby requested.

Respectfully,

CLAY TALLMAN,

(Signed)

Commissioner.

7-30-14.

AUG 8 - 1914

In reply please refer to Circular No. 340.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

August 1, 1914.

Directs the furnishing to chiefs
of field division copy of all
protested proof on homestead
and desert entries.

Registers and Receivers,

United States Land Offices.

Sirs:

Hereafter, and until further advised, you will furnish to the proper chief of field division a copy of the final proof submitted on all homestead and desert land entries, against which the chief of field division files a protest, or as to which he requests that certificate be withheld pending a field investigation.

So far as the proofs which are submitted before the register and receiver are concerned, all that will be necessary will be the making of a carbon copy at the time the proof testimony is given.

As to ^{those} ~~the~~ proofs which are made before proof-taking officers, other than the register and receiver it will be necessary that you make a copy thereof, as it is desired that no additional burden or expense for the making of this copy ^{shall} be imposed on the claimant.

Very respectfully,

CLAY TALLMAN,

Commissioner.

7-30-RCL.

AUG 8 - 1914

In reply please refer to Circular No. 341.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

August 1, 1914.

Closing of T. & S. applications to be reported.

Registers and Receivers,

United States Land Offices.

Sirs:

455
Your attention is directed to paragraph 56, Circular 105, May 4, 1912, providing that where applicants to purchase under the timber and stone law fail to make proof and payment within the time provided therefor under paragraphs 19 and 20 of regulation approved January 2, 1914 (43 L. D., 41, 42), there should be forwarded to the General Land Office, with the returns for the month within which the time for making payment or filing of proof expires, all papers relating to the application, WITH A SHORT LETTER REPORT ATTACHED THERETO of the fact that no proof or payment has been made thereon and that notation has been made on the serial register and tract-book in accordance with the regulations.

The transmittal of the duplicate sworn statement with the registry return card without the report closing the application, as now practiced at some offices, is not a sufficient compliance with the above regulations; but an indorsement of the facts, either stamped or written on the duplicate sworn statement and signed by the register or receiver, is sufficient.

Very respectfully,

CLAY TALLMAN,

Commissioner.

In reply please refer to Wisconsin No. 541.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

August 1, 1914.

Closing of T. & S. applica-
tions to be reported.

Registrars and Receivers,

United States Land Offices.

Sirs:

Your attention is directed to paragraph 50, Circular 105,
May 4, 1913, providing that where applicants to purchase under
the Timber and Stone Law fail to make proof and payment within
the time provided therefor under paragraph 10 and 20 of regula-
tion approved January 2, 1914 (43 U. S. 41, 42), there should be
forwarded to the General Land Office, with the returns for the
month within which the time for making payment or filing of proof
expired, all reports relating to the application, WITH A SHORT
LETTER REPORT ATTACHED THEREO of the fact that no proof or pay-
ment has been made thereon and that notation has been made on the
several registers and tract-book in accordance with the regulations.

The format of the duplicate sworn statement with the
register return and without the report closing the application,
as now furnished at some offices, is not a sufficient compliance
with the above regulations, but an endorsement of the facts, either
stamped or written on the duplicate sworn statement and signed by
the registrar or receiver, is sufficient.

Very respectfully,

ELIAS TALMAN,

Commissioner.

In reply please refer to Circular No. 342.

"A"--McD.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

August 1, 1914.

Act of July 17, 1914,
Public, No. 128.

Registers and Receivers,

United States Land Offices.

Sirs:

428
Inclosed is a copy of the act of July 17, 1914 (Public, No. 128), providing for agricultural entry of lands withdrawn, classified, or valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals.

Applications containing the statement that they are filed subject to the provisions and reservations of the act may now be received, but action thereon should be suspended until the receipt of regulations, now in course of preparation.

Very respectfully,

CLAY TALLMAN,

Commissioner.

bu #342

[PUBLIC—No. 128—63D CONGRESS.]

[S. 60.]

An Act To provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to appropriation, location, selection, entry, or purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such location, selection, entry, or purchase shall be made with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same; but no desert entry made under the provisions of this Act shall contain more than one hundred and sixty acres: *Provided,* That all applications to locate, select, enter, or purchase under this section shall state that the same are made in accordance with and subject to the provisions and reservations of this Act.

457
SEC. 2. That upon satisfactory proof of full compliance with the provisions of the laws under which the location, selection, entry, or purchase is made, the locator, selector, entryman, or purchaser shall be entitled to a patent to the land located, selected, entered, or purchased, which patent shall contain a reservation to the United States of the deposits on account of which the lands so patented were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same, such deposits to be subject to disposal by the United States only as shall be hereafter expressly directed by law. Any person qualified to acquire the reserved deposits may enter upon said lands with a view of prospecting for the same upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting, the measure of any such damage to be fixed by agreement of parties or by a court of competent jurisdiction. Any person who has acquired from the United States the title to or the right to mine and remove the reserved deposits, should the United States dispose of the mineral deposits in lands, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the minerals therefrom, and mine and remove such minerals, upon payment of damages caused thereby to the owner of the land, or upon giving a good and sufficient bond or undertaking therefor in an action instituted in any competent court to ascertain and fix said damages: *Provided,* That nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, select, enter, or purchase, under the land laws of the United States, lands which have been withdrawn

or classified as phosphate, nitrate, potash, oil, gas, or asphaltic mineral lands, with a view of disproving such classification and securing patent without reservation, nor shall persons who have located, selected, entered, or purchased lands subsequently withdrawn, or classified as valuable for said mineral deposits, be debarred from the privilege of showing, at any time before final entry, purchase, or approval of selection or location, that the lands entered, selected, or located are in fact nonmineral in character.

Sec. 3. That any person who has, in good faith, located, selected, entered, or purchased, or any person who shall hereafter locate, select, enter, or purchase, under the nonmineral land laws of the United States, any lands which are subsequently withdrawn, classified, or reported as being valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals, may, upon application therefor, and making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which patent shall contain a reservation to the United States of all deposits on account of which the lands were withdrawn, classified, or reported as being valuable, together with the right to prospect for, mine, and remove the same.

Approved, July 17, 1914.

In reply please refer to Circular No. 345.

"A" - McD

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

August 5, 1914.

Lists for taxation.

Registers and Receivers,

United States Land Offices.

Sirs:

In furnishing to State officials, under Section 2 of the act of March 3, 1883 (22 Stat., 484), lists of lands sold in your respective districts you will, in listing lands selected by States and corporations under grants from Congress, for railroads and other purposes, charge 10 cents for each 160 acres or fraction thereof, computed as are the fees to be collected under paragraph 152 of Circular No. 105.

Very respectfully,

CLAY TALIMAN,

Approved:

Commissioner.

ANDRIEUS A. JONES,

First Assistant Secretary.

FILED 21 90V
AUG 17 1914

8
413

In reply please refer to Circular No. 347.

"C" - EVJJ

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Washington

August 19, 1914.

Amendment of final certificate forms.

Registers and Receivers,

United States Land Offices.

Sirs:

Until a new supply is printed, when the forms will be changed to conform hereto, you will insert in all original and duplicate final certificates hereafter issued on Forms 4-189, 4-196, and 4-200, after the word "described," the following: "if all then be found regular."

Very respectfully,

CLAY TALIMAN,

Commissioner.

Approved:

A. A. JONES,

First Assistant Secretary.

In reply please refer to G. L. No. 547.

cc - EWS

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Washington

August 19, 1914.

Amendment of final certificate
case forms.

Respectfully,
Very respectfully,

United States Land Office.

Sir:

Until a new supply is printed, when the forms
will be changed to conform hereto, you will insert in all
original and duplicate final certificates heretofore in-
cluded on forms 4-100, 4-102, and 4-104, after the word
"description," the following: "All lands are leased regular."
Very respectfully,

ELAY TALLMAN,

Commissioner.

Approved:

A. J. JONES,

First Assistant Secretary.

Very Attn

In reply please refer to Circular No. 348.

"A" McD

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

August 27, 1914.

Mailing List.

Registers and Receivers,

United States Land Offices.

Sirs:

Several instances have occurred lately in which attorneys, proof-taking officers, and entrymen have taken erroneous action because of failure to be advised of the latest laws and regulations. I am, therefore, of the opinion that it is permissible for the various local land offices to maintain a limited mailing list re-stricted to active proof-taking officers, abstract companies, at-torneys, and newspapers published in public land sections, which are in the practice of publishing reliable information on public land matters, to whom you are authorized to mail copies of circu-lars of this office of general interest, but not circulars, regulations, or instructions relating to purely administrative matters. Please prepare such a list at your early convenience and advise this office of the number of circulars you will need from time to time to meet such demand.

Much care and discretion should be used in the preparation and use of such mailing list.

Very respectfully,

CLAY TALIMAN,
Commissioner.

SEP - 5 1914

SEP - 5 1914

CIRCULAR No. 351.

ABSENCES FROM HOMESTEAD ENTRIES—ACT OF AUGUST 22, 1914
(PUBLIC, NO. 183).

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, September 8, 1914.

Registers and Receivers, United States Land Offices.

SIRS: 1. Your attention is directed to the act of Congress approved August 22, 1914 (Public, No. 183), which provides:

That the entryman mentioned in section 2291, Revised Statutes of the United States, as amended by the act of June 6, 1912 (37 Stat., 123), upon filing in the local land office notice of the beginning of such absence at his option shall be entitled to a leave of absence in one or two continuous periods not exceeding in the aggregate five months in each year after establishing residence; and upon the termination of such absence, in each period, the entryman shall file a notice of such termination in the local land office; but in case of commutation the 14 months' actual residence, as now required by the law, must be shown, and the person commuting be at the time a citizen of the United States.

2. Under this act the five months' absence in each residence year allowed by the first proviso to section 2291 may, at the option of the homesteader, be divided into two periods, but no more. The homesteader must, at the beginning of each absence, file a notice thereof at the local office, but he need not specify the portion of the five months' privilege of which he intends to avail himself. A notice of his return to the land must be promptly filed at the termination of each absence.

3. If a homesteader has returned to the land after an absence of less than five months and filed notice of his return he may, without any intervening residence, again absent himself—pursuant to new notice—for the remaining part of the period within the residence year. Two absences in different residence years, however—reckoned from the date when residence was established—must be separated by a substantial period if they together make up more than five months.

4. Paragraph 10 of the circular (No. 278) of November 1, 1913, and paragraph 26 of the circular (No. 290) of January 2, 1914, are modified to conform to the above.

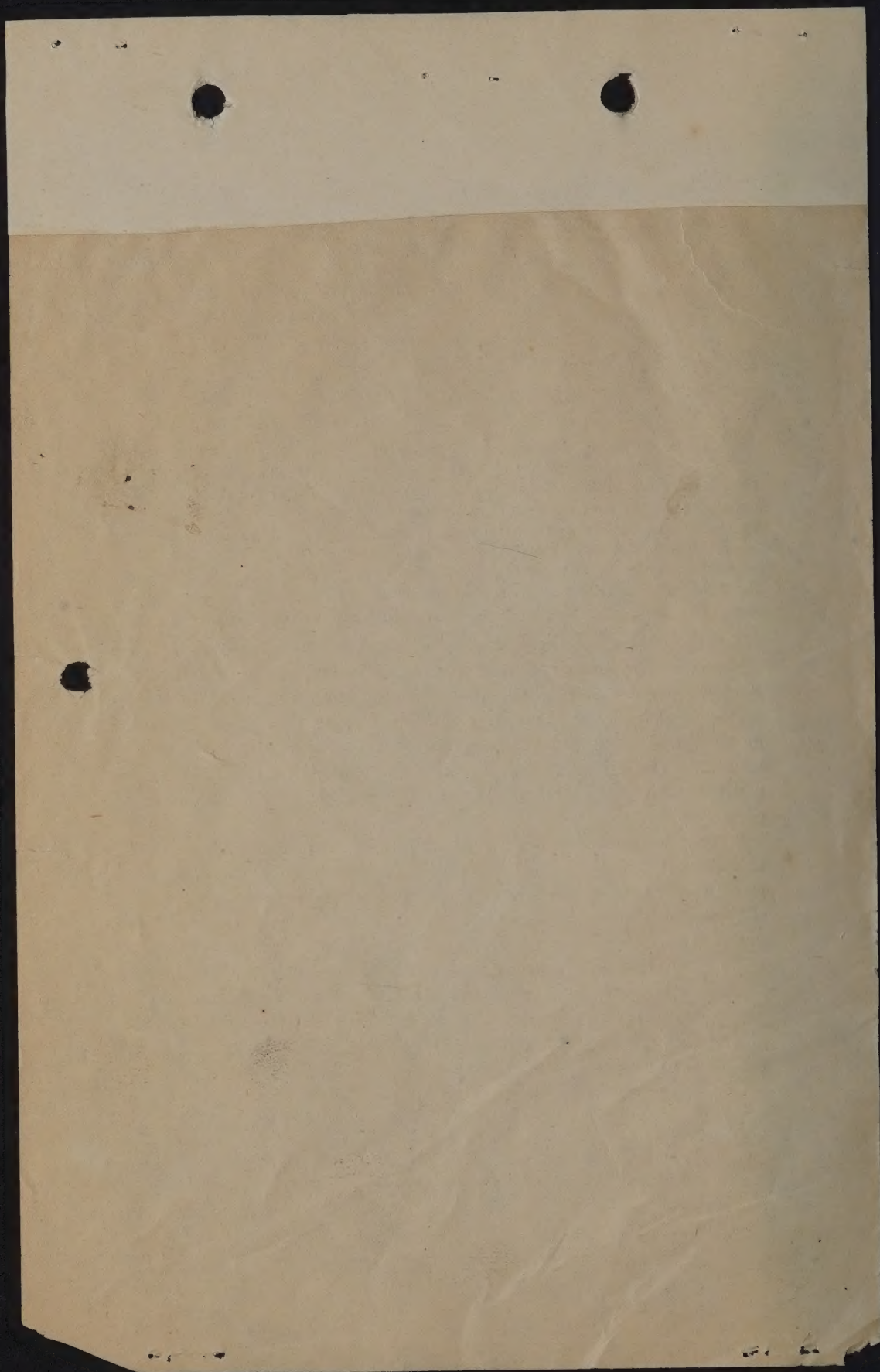
Very respectfully,

CLAY TALLMAN, *Commissioner.*

Approved:

A. A. JONES,

First Assistant Secretary.



In reply please refer to Circular No. 352.

"A" McD

Amended by Cir. 583

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON

September 8, 1914.

Applications to make entry to
be filed within ten days af-
ter execution.

Registers and Receivers,

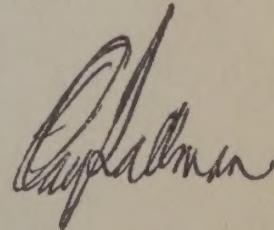
United States Land Offices.

Sirs:

On and after October 1, 1914, as directed in a recent depart-
mental decision (Race vs. Larson, 43 L. D.,--) you will reject all
applications to make entry which are executed more than ten days
prior to filing.

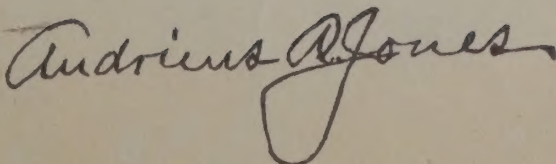
Such rejections should be subject to the usual right of ap-
peal; also subject to the right to file a new and properly exe-
cuted application, or to reexecute the rejected application, prior
to the intervention of any valid adverse claim.

Very respectfully,



Commissioner.

Approved:



First Assistant Secretary.

OCT 5 1914

"FS" -HLU.

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON

September 24, 1914.

Instructions under the act of August 25, 1914, permitting agreements between the Secretary of the Interior and certain applicants for mineral patent for disposition of oil or of gas.

Registers and Receivers,
United States Land Offices.

Sirs:

The act of Congress, approved August 25, 1914, Public 187, permits the entering into agreements between the Secretary of the Interior and applicants for patent for lands under the mining laws, which are valuable for oil or gas, for the disposition of the oil or gas produced from said lands pending final determination of the title thereof.

It will be observed that the privileges granted under this act are conferred only on those who have already filed, or may hereafter file, applications for patent for oil or gas lands, included in any order of withdrawal

Any mineral applicant for such lands desiring to avail himself of the privileges of this act must file in the proper local land office a petition, in duplicate, addressed to the Secretary of the Interior, requesting consideration of his case, with a view to the entering into an agreement for the disposition of the products of the lands involved in his application pending final determination of the title. This petition should be under oath, and should be corroborated by two persons. It should show the facts upon which the petitioner relies to bring himself within the provisions of the act. Among other things it should contain complete statements on the following points:

Whether the application is based upon locations made by the applicant himself or upon those taken by assignment and purchase..

The date when work leading to the discovery of oil or gas was initiated and of what such work consisted, and date when drilling was begun.

Circular No. 353--2.

Date when oil or gas was actually discovered.

Initial production from wells now producing.

Present production from such wells.

Whether wells are flowing or being pumped.

If pumped, how long has each well been on pump.

Is well being pumped singly or in combination? If latter, in what units?

Present cost of production per barrel of oil ^{and} ~~as~~ per thousand cubic feet of gas.

Expenditures from initiation of work looking to discovery of oil or gas to date of discovery thereof and nature of such expenditures.

Expenditures from date of discovery of oil or gas to date of petition.

Petition must be accompanied by clear and accurate plat showing location of claim by section, township, and range, and also showing location of all producing, dry, and abandoned wells on claim or claims covered by petition and location of such wells with reference to wells on adjoining properties, giving names, numbers, or other designations of all such wells, so far as known, and indicating whether wells are oil or gas wells.

Whether dry or abandoned wells shown on plats have been plugged and manner in which plugged.

Manner in which contents of overlying water strata, if any, have been excluded from bore of well and depth at which such strata encountered.

Gravity of oil.

Whether water is being produced with oil.

What percentage of water is being produced.

Has there been any increase in percentage of water produced. If so, when was such increase noted and what is amount thereof.

Whether casing-head gas is utilized. If so, in what manner. What proceeds, if any, are derived therefrom.

Circular No. 353--3.

Whether production is now being disposed of. In what manner. If not now being disposed of, manner in which production was previously disposed of.

Cost of transportation and other items entering into placing the production on the market.

Market value of oil and gas at date of execution of petition.

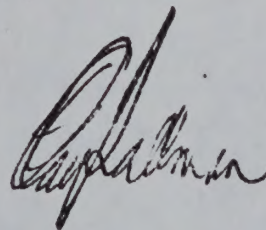
The data required herein should be given in detail and the items of expenditure or cost should be detailed.

It must be distinctly understood that the filing of an application by any mineral applicant, entitled to do so, will not in any way bind him to accept such terms as may be offered by the Government, after a consideration of the matter, but that said petition is to be deemed only a presentation of the facts in the case to the Government, with a view to its making a proposition as authorized under the terms of the act.

You are directed to cause a copy of these instructions to be furnished to all persons, or corporations, shown by your records to have filed applications for mineral patents for lands valuable as oil or gas, and to take like action with regard to anyone hereafter filing such an application for patent.

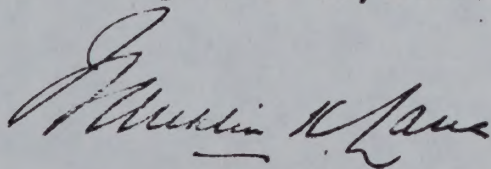
Upon the filing of such a petition in your office, you will assign it the same serial number as that carried by the application for patent, and immediately transmit it by separate letter to this office.

Respectfully,



Commissioner.

Approved: September 24, 1914.



Whether production is now being disposed of. In that case, it is not now being disposed of, because in which production was previously disposed of.

Cost of transportation and other items entering into price for the production on the market.

Market value of oil and gas at date of execution of petition.

The data required herein should be given in detail and the items of expenditures or cost should be detailed.

It must be distinctly understood that the filing of an application by any mineral applicant, entitled to do so, will not in any way bind him in respect to such terms as may be offered by the Government, except a consideration of the matter, but that said petition is to be deemed only a presentation of the facts in the case to the Government, with a view to the making a proposition as authorized under the laws of the land.

It is directed to cause a copy of these instructions to be furnished to all persons, or corporations, known by your records to have filed applications for mineral patents for lands within the State of Texas, and to take this action with regard to anyone hereafter filing such an application for patent.

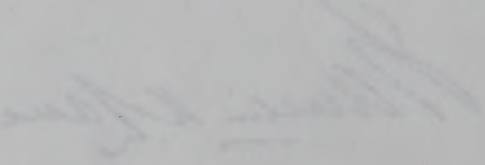
Upon the filing of such a petition in your office, you will assign it the same serial number as that carried by the application for patent, and immediately transmit it by separate letter to this office.

Respectfully,



Commissioner.

Approved: September 25, 1911.



Part 166

Still in effect 5/27/54
see circ 541

CIRCULAR No. 354.

SECOND HOMESTEAD AND DESERT-LAND ENTRIES—ACT OF SEPTEMBER 5, 1914 (PUBLIC, NO. 194).

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, September 26, 1914.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: Your attention is directed to the act of Congress, approved September 5, 1914 (Public, No. 194), entitled, "An act providing for second homestead and desert-land entries," a copy of which is hereto appended. Said act governs the disposition of every application for second homestead or desert-land entry, where the applicant, at any time before filing same, had made an entry, or entries, of the same character, but failed to perfect same.

2. The question whether the first entry, or entries, were made before or after the passage of the act is entirely immaterial. Moreover, it will be seen that the act imposes upon the Land Department the duty of passing upon the good faith of the applicant, there being no hard and fast provision, as in the act of February 3, 1911, limiting its benefits to a clearly defined class of persons. In order that there may be uniformity of rulings thereon, no applications will be allowed by the local officers on their own initiative, but all will be forwarded to the General Land Office for consideration.

3. In order that the General Land Office may properly pass upon the right of an applicant for second entry, he must (besides filing in the proper local office an application to enter a specific tract) furnish his affidavit showing the following facts:

(a) Data from which his first entry (or entries) may be identified, preferably its series and number, as well as a description of the tract by section, township, and range.

(b) What examination of the land and what inquiries as to its character he made prior to filing his previous application (or applications) for entry and, in case of desert-land entries, what reason he had to believe that the required proportion of the tracts could be reclaimed by him through irrigation.

(c) With reference to a homestead entry, whether he established residence upon the tract, and, if so, how long he lived there and what cultivation he effected; as to a desert-land entry, whether he took possession of the tract, and, if so, how long he continued to exercise acts of ownership thereover.

(d) What improvements, if any, he made upon the land, describing in detail their nature and cost.

Annulled by Circ 1308

(e) The date of his abandonment of the claim and the reason therefor and whether he ever executed a relinquishment of the entry.

(f) What consideration, if any, he received for abandoning or relinquishing the entry; also whether he sold the improvements on the tract, giving full details as to said sale, if any, including the date thereof and the consideration received.

4. This affidavit must be executed before an officer authorized to administer oaths in homestead cases; that is, the register or receiver of the district where the land is situated, or a United States commissioner, or judge or clerk of a court of record within said district or within the county in which the tract lies. Its statements must be corroborated on all matters susceptible of corroboration by at least one witness having knowledge of the facts, or there may be several witnesses, each testifying on some material point; affidavits of witnesses may be executed before any officer authorized to administer oaths and having an official seal. Appropriate blank forms will be furnished in the near future.

5. If the affidavit of the claimant be not properly executed or be not corroborated by at least one witness, or if both do not appear to bear upon all the points above mentioned, you will call upon the applicant for supplemental evidence or for reexecution of the affidavit, as the case may be. After service of notice of your requirements and the lapse of the proper period, you will forward the application, together with such supplemental papers as may be filed.

6. You will be careful to note on your records the date and hour of the filing of each application, and in transmitting the same to this office make full report and recommendation.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:

ANDRIEUS A. JONES,
First Assistant Secretary.

[PUBLIC, No. 194.]

AN ACT Providing for second homestead and desert-land entries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person otherwise duly qualified to make entry or entries of public lands under the homestead or desert-land laws, who has heretofore made or may hereafter make entry under said laws, and who, through no fault of his own, may have lost, forfeited, or abandoned the same, or who may hereafter lose, forfeit, or abandon same, shall be entitled to the benefits of the homestead or desert-land laws as though such former entry or entries had never been made: *Provided,* That such applicant shall show to the satisfaction of the Secretary of the Interior that the prior entry or entries were made in good faith, were lost, forfeited, or abandoned because of matters beyond his control, and that he has not speculated in his right nor committed a fraud or attempted fraud in connection with such prior entry or entries.

Approved September 5, 1914.

In reply please refer to Circular No. 355.

OCT 21 1914

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

October 17, 1914.

: Amendment of General
: Reclamation Circular.

Registers and Receivers,

United States Land Offices.

Sirs:

The following amendments of the general reclamation circular, approved by the Secretary of the Interior February 6, 1913, as amended September 6, 1913 (42 L. D., 349), have been approved subsequent to the date of Circular No. 307 of March 19, 1914, advising you of former amendments of said circular.

On June 4, 1914, the Secretary of the Interior amended paragraph 56 of said circular to read as follows:

"To comply with the provisions of the reclamation law requiring the reclamation of one-half the irrigable area of an entry made subject to the provisions of that law, the land must have been cleared of brush, trees, and other incumbrances, provided with sufficient laterals for its effective irrigation, graded and otherwise put in proper condition for irrigation and crop growth, planted, watered, and cultivated, and during at least two years next preceding the date of approval by the project manager of proof of reclamation, except as prevented by hailstorm or flooding, a satisfactory crop must be grown thereon. A satisfactory crop during any year shall be any one of the following: (a) a crop of annuals producing a yield of at least one-half of the average yield on similar land under similar conditions on the project for the year in which it is grown; (b) a substantial stand of alfalfa, clover, or of other perennial grass substantially equal in value to alfalfa or clover, or (c) a season's growth of orchard trees, or vines, of which 75 per cent shall be in a thrifty condition."

OCT 27 1914

Circular No. 355--2.

On August 31, 1914, the Secretary amended paragraph 41 to read as follows:

"Relinquishment of a homestead or desert land entry or part thereof, within a reclamation project, upon which final proof has been submitted, where the records show the land to have been mortgaged, will not be accepted or noted unless the mortgagee joins therein; nor will an assignment of such a homestead entry or part thereof under the act of June 23, 1910 (36 Stat., 592), nor an assignment of a mortgaged desert-land entry where the records show the land to have been mortgaged be recognized or permitted unless the assignment specifically refers to such mortgage and is made and accepted subject thereto."

You will familiarize yourselves with these amendments and be governed accordingly.

Very respectfully,

(Signed)

D. K. PARROTT,

Acting Assistant Commissioner.

10-8-WJD

CIRCULAR No. 357.

FINAL PROOF AFTER STATUTORY PERIOD OR BEFORE NATURALIZATION.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, October 21, 1914.

REGISTERS AND RECEIVERS,
UNITED STATES LAND OFFICES.

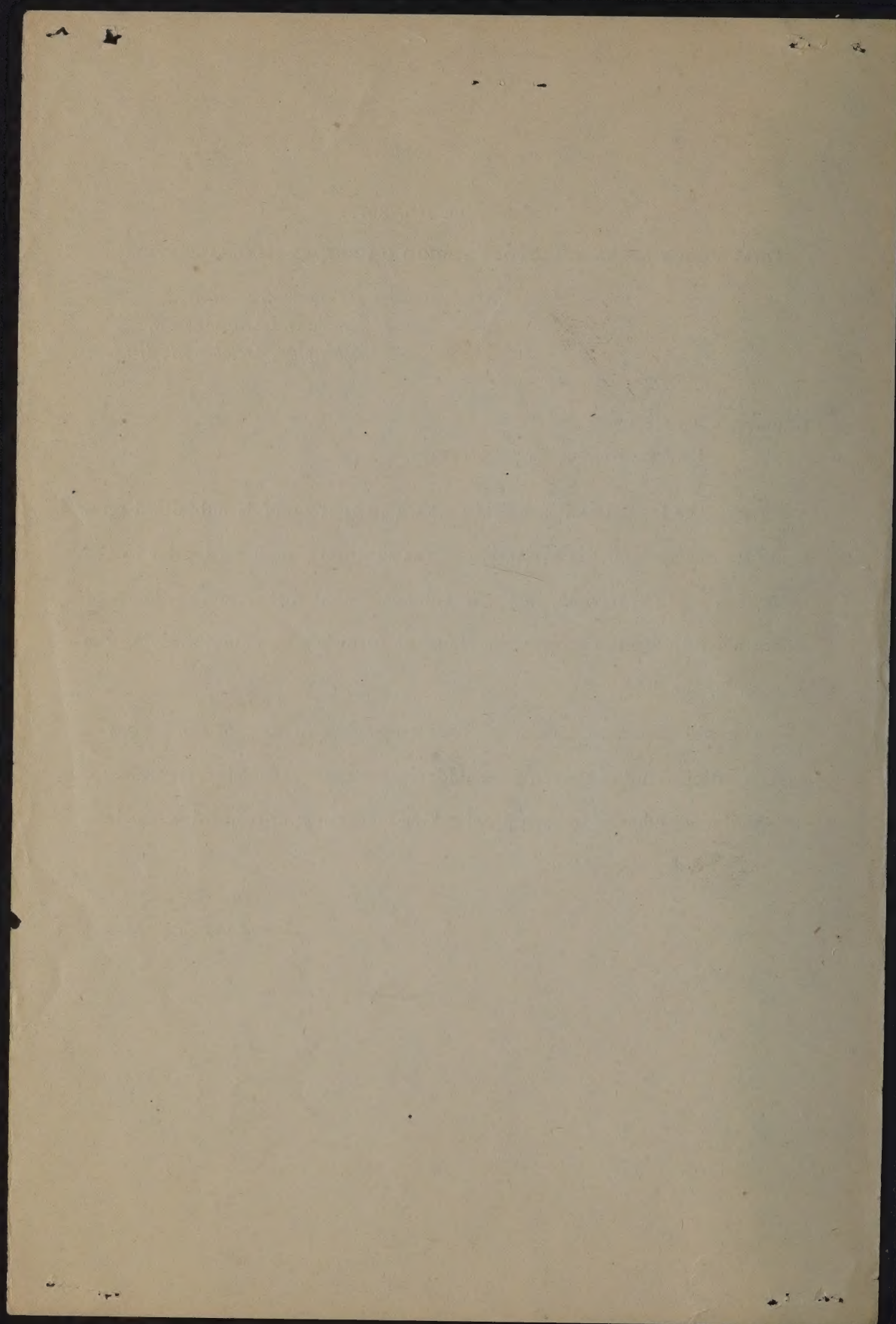
SIRS: The Department has held that where final proof is submitted on a homestead entry after the expiration of the statutory period or prior to the naturalization of entryman, the case can not be submitted to the Board of Equitable Adjudication unless the claimant furnishes an affidavit giving the reasons for the delay.

You will, therefore, not issue final certificate in any of the classes of cases mentioned unless the required affidavit, explaining the delay, is furnished.

Mail a copy hereof to each proof-taking officer in your respective districts.

Very respectfully,

C. M. BRUCE,
Acting Commissioner.



NOV 10 1914

NOV 1 1914

In reply please refer to Circular No. 358.

"K"

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

October 31, 1914.

: Assignments of desert-land
: entries within reclamation
: projects.

Registers and Receivers,
United States Land Offices.

Sirs:

It has ^{been} called to the attention of this office that certain of the local officers, whose districts embrace reclamation projects, regard as essential to the acceptance of assignments of desert-land entries within reclamation projects, and for which water-right applications have been made, a certificate from the Project Manager showing that the assignee has filed a water-right application in due form for the land assigned to him.

466
Your attention is called to the fact that assignments of desert-land entries within reclamation projects are governed by Paragraphs 117-119 of the General Reclamation Circular approved September 6, 1913 (42 L. D., 349, 392), and not by the regulations providing for the assignment of reclamation homestead entries under the provisions of the act of June 23, 1910 (36 Stat., 592). Hence the certificate from the Project Manager showing the filing by the assignee of a proper water-right application is not required in connection with assignments of desert-land entries within reclamation projects, though such certificate is required in connection with assignments of reclamation homestead entries.

Very respectfully,

D. K. PARROTT,

Acting Assistant Commissioner.

10-27-WJD

RECEIVED
U. S. LAND OFFICE
BILLINGS, MONT.

Date MAY 5 1917

Hour 1 P. M.

[PUBLIC—No. 358—64TH CONGRESS.]

[S. 40.]

An Act To authorize agricultural entries on surplus coal lands in Indian reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any Indian reservation heretofore or hereafter opened to settlement and entry pursuant to a classification of the surplus lands therein as mineral and nonmineral, such surplus lands not otherwise reserved or disposed of, which have been or may be withdrawn or classified as coal lands or are valuable for coal deposits, shall be subject to the same disposition as is or may be prescribed by law for the nonmineral lands in such reservation whenever proper application shall be made with a view of obtaining title to such lands, with a reservation to the United States of the coal deposits therein and of the right to prospect for, mine, and remove the same: *Provided*, That such surplus lands, prior to any disposition hereunder, shall be examined, separated into classes the same as are the nonmineral lands in such reservations, and appraised as to their value, exclusive of the coal deposits therein, under such rules and regulations as shall be prescribed by the Secretary of the Interior for that purpose.

SEC. 2. That any applicant for such lands shall state in his application that the same is made in accordance with and subject to the provisions and reservations of this Act, and upon submission of satisfactory proof of full compliance with the provisions of law under which application or entry is made and of this Act shall be entitled to a patent to the lands applied for and entered by him, which patent shall contain a reservation to the United States of all the coal deposits in the lands so patented, together with the right to prospect for, mine, and remove the same.

SEC. 3. That if the coal-land laws have been or shall be extended over lands applied for, entered, or patented hereunder the coal deposits therein shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal. Any person qualified to acquire coal deposits or the right to mine and remove the coal under the laws of the United States shall have the right at all times to enter upon the lands applied for, entered, or patented under this Act for the purpose of prospecting for coal thereon, if such coal deposits are then subject to disposition, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal deposits in any such lands, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal therefrom, and mine and remove the coal, upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action

instituted in any competent court to ascertain and fix said damages: *Provided*, That the owner under such limited patent shall have the right to mine coal for personal use upon the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits: *Provided further*, That nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications made under the applicable land laws of the United States for any such surplus lands which have been or may be classified as coal lands with a view of disproving such classification and securing a patent without reservation.

SEC. 4. That the net proceeds derived from the sale and entry of such surplus lands in conformity with the provisions of this Act shall be paid into the Treasury of the United States to the credit of the same fund under the same conditions and limitations as are or may be prescribed by law for the disposition of the proceeds arising from the disposal of other surplus lands in such Indian reservation: *Provided*, That the provisions of this Act shall not apply to the lands of the Five Civilized Tribes of Indians in Oklahoma.

Approved, February 27, 1917.

See C. 857

CIRCULAR No. 361.

MARRIAGE OF FEMALE CITIZEN AFTER INITIATING CLAIM TO
PUBLIC LANDS—ACT OF OCTOBER 17, 1914 (PUBLIC, NO. 213).

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., November 4, 1914.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: Your attention is directed to the act of Congress approved October 17, 1914 (Public, No. 213), copy appended, entitled "An act to provide for certificate of title to homestead entry by a female American citizen who has intermarried with an alien."

1. This act is applicable to all cases in which a female citizen of the United States, either native born or naturalized, has initiated a valid claim to a tract of public land by settlement or by filing an application to enter, or to acquire title under any of the public-land laws.

2. Where a woman who is a native-born citizen of the United States, or who has been fully naturalized, has initiated a claim to a tract of public land and marries before completing title thereto, it will not hereafter be necessary to require her to furnish evidence of her husband's citizenship; but if he be foreign born, she must show, by affidavit, that he is or may hereafter be himself entitled to become a citizen of the United States in accordance with the laws in that behalf made and provided. (Sec. 2169, U. S. Revised Statutes; sec. 14, act of Congress of May 6, 1882, 22 Stat., 58, 61; sec. 7, act of Congress of June 29, 1906, 34 Stat., 596.)

3. Where a woman who has declared her intention to become a citizen of the United States, or who occupies the status of a person who has declared such intention, has initiated a valid claim under some public-land law requiring full citizenship before completing title thereto, her marriage to an alien will not excuse her from showing either that she herself became fully naturalized before her marriage or that her husband is a citizen of the United States, as required by the regulations heretofore in force.

Very respectfully,

C. M. BRUCE,
Acting Commissioner.

Approved:

A. A. JONES,
First Assistant Secretary.

[PUBLIC—No. 213—63D CONGRESS.]

An Act To provide for certificate of title to homestead entry by a female American citizen who has intermarried with an alien.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any female citizen of the United States who has initiated a claim to a tract of public land under any of the laws applicable thereto, and who thereafter has complied with all the conditions as to the acquisition of title to such land prescribed by the public-land laws of the United States, shall, notwithstanding her intermarriage with an alien, who is entitled to become a citizen of the United States, be entitled to a certificate or patent to such entry equally as though she had remained unmarried or had married an American citizen.

Approved, October 17, 1914.

Still in
effect 5/27/54
see circ 541, 200.

CIRCULAR No. 364.

PROOF ON HOMESTEAD ENTRY BY DESERTED WIFE—ACT OF
OCTOBER 22, 1914 (PUBLIC, NO. 221).

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, November 13, 1914.

Registers and Receivers, United States land offices.

SIRS: By act of Congress approved October 22, 1914 (Public, No. 221), it is provided that where the wife of a homestead settler or entryman, while residing upon the homestead claim and prior to the submission of final proof, has been abandoned and deserted by her husband for more than one year, she may submit proof (by way of commutation or otherwise) on the entry and secure patent in her own name, being allowed credit for all residence and cultivation had and improvements made, either by herself or by her husband.

2. Upon the wife's filing notice of intention to submit proof, together with an affidavit alleging desertion, as above stated, and all information in her possession as to the entryman's whereabouts, including his last known post-office address and the address near the land where he received his mail, the register will prepare and issue a summons in substantially the following form and deliver it to the wife for service:

To [here insert name], homestead entryman:

You are hereby notified that [here insert name], claiming that she is your wife, and that you have abandoned and deserted her for more than one year last past, has filed application to be allowed to submit proof upon your homestead entry, serial No. —, for [here insert description of the land], to the end that patent for the land may issue in her name. This proceeding is authorized by the provisions of an act of Congress approved October 22, 1914, and you will be allowed 30 days after notice hereof within which to file in this office your denial of the charges. If such denial be filed, you may, at the time to be set for taking of proof or on a date to be then fixed, offer testimony in support of such denial.

3. Personal service of the summons must be made if possible; such service may be made by any person over the age of 18 years, or by registered mail. When served by registered mail, proof thereof must be accompanied by post-office registry return receipt, showing delivery of the letter to the entryman; where service is made otherwise than

by mail, proof thereof must be by written acknowledgment of the entryman, or by affidavit of the person serving the summons, showing its delivery to the entryman. If personal service can not be made, the summons must be sent by registered mail to the last known address of entryman and to the post office nearest the land, or to that, near the land, named by the wife in her preliminary affidavit; proof of such attempted service shall be by affidavit of the person mailing the letters, to which should be attached the postmaster's receipts therefor.

4. Within 30 days after service of summons, the entryman may file his affidavit denying the charge of abandonment and desertion. The denial must bear evidence that a copy thereof has been served on the wife.

5. After the expiration of 30 days from personal service of the summons, or 40 days from the date of mailing, unless a denial by entryman be sooner filed, the register will issue notice of intention to submit proof. The form in general use must be modified to show that the proof is to be submitted by the deserted wife, and must contain a paragraph as follows:

The entryman [here insert name] is notified that, by submission of said proof, his wife [here insert name] seeks to obtain patent for the land in her own name.

6. If the entryman shall have filed denial of the alleged desertion and abandonment, and appears, in person or by agent or attorney, on the day set for the taking of proof, testimony may be submitted to determine the facts relative to the alleged desertion, and the final proof testimony will be taken in accordance with existing regulations. But the register and receiver, for any reason deemed sufficient, may continue the hearing to a later date.

(a) At the hearing on the denial of desertion the entryman must pay the costs of taking the testimony.

(b) All hearings and subsequent proceedings shall be in accord with the rules of practice pertaining to contests.

7. If entryman fails to deny the charge of desertion, or if same be sustained and the case closed, final certificate shall issue in the name of the deserted wife, provided the proof be in all respects sufficient.

Very respectfully,

D. K. PARROTT,
Acting Assistant Commissioner.

Approved:

A. A. JONES,
First Assistant Secretary.

[PUBLIC, No. 221—SIXTY-THIRD CONGRESS.]

AN ACT To provide for issuing of patents for public lands claimed under the homestead laws by deserted wives.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which persons have regularly initiated claims to public lands as settlers thereon under the provisions of the homestead laws and the wife of such homestead settler or entryman, while residing upon the homestead claim and prior to submission of final proof of residence, cultivation, and improvement as prescribed by law, has been abandoned and deserted by her husband for a period of more than one year, the deserted wife shall, upon establishing the fact of such abandonment or desertion to the satisfaction of the Secretary of the Interior, be entitled to submit proof upon such claim and obtain patent therefor in her name in the form, manner, and subject to the conditions prescribed in section twenty-two hundred and ninety-one of the Revised Statutes of the United States and acts supplemental thereto and amendatory thereof: *Provided*, That in such cases the wife shall be required to show residence upon, cultivation, and improvement of the homestead by herself for such time as when, added to the time during which her husband prior to desertion had complied with the law, would aggregate the full amount of residence, improvement, and cultivation required by law: *And provided further*, That the published and posted notices of intention to submit final proof in such cases shall recite the fact that the proof is to be offered and patent sought by applicant as a deserted wife, and, prior to its submission, notice thereof shall be served upon the husband of the applicant in such a manner and under such rules and regulations as the Secretary of the Interior shall prescribe.

Approved, October 22, 1914.

Editorial: The American Medical Association and the Public Health Service. (Continued from page 1)

The American Medical Association has long been recognized as the leading organization of the medical profession in this country. Its primary purpose is to advance the interests of the medical profession and to protect the public health. In the past, the Association has been successful in many of its efforts, and it is confident that it will continue to be successful in the future. The Association is currently engaged in a number of important projects, including the establishment of a national medical research fund, the improvement of medical education, and the promotion of public health. The Association is also working to improve the relationship between the medical profession and the public health service. It is believed that these efforts will result in a more efficient and effective medical system, and in a better public health.

—Continued on page 2—

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In reply please refer to Circular No. 365-

"A" - McD

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

November 14, 1914.

Applicants for certified
copies must furnish ten-
cent internal-revenue
stamps.

Registers and Receivers,

United States Land Offices.

Sirs:

The act of Congress approved October 22, 1914 (Public, No. 217), requires that on and after December 1, 1914, and until December 31, 1915, a ten-cent internal-revenue stamp must be affixed to each certified copy of a patent or record.

Accordingly, applicants for certified copies during the period named must furnish, in addition to the fee for making certified copies of any documents or records, a ten-cent internal-revenue stamp for each certificate.

Funds with which to purchase the stamps can not be accepted, the regulations of the Treasury Department as to disposition of moneys received permitting only the deposit of the money to the credit of the Treasurer of the United States or its return by official check to the sender.

You will give as much publicity as possible to this circular.

Very respectfully,

CLAY TALLMAN,

Commissioner.

NOV 21 1914

In reply please refer to Circular No. 367.

"O"

NOV 19 08 1914

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

November 19, 1914.

: Applications under act of
: September 5, 1914 (Public,
: No. 194), to be transmitted
: with monthly returns.

Registers and Receivers,

United States Land Offices.

Sirs;

440
Supplementary to instructions communicated by Circular No. 354, dated September 26, 1914, relating to the act of Congress approved September 5, 1914 (Public, No. 194), entitled, "An act providing for second homestead and desert-land entries," you are advised that all such applications should be transmitted with the regular monthly returns and not by special letter, as now being done by many of the offices.

Very respectfully,

D. K. PARROTT,

Acting Assistant Commissioner.

MEMORANDUM FOR THE DIRECTOR

Subject: [Illegible]

Washington

November 10, 1944

1. Application under act of
Congress, No. 100, 1944, to be
renewed for the period
from January 1, 1945, to
January 1, 1946.

Respectfully,
[Illegible]

Very respectfully,
[Illegible]

[Illegible]

2. Application for instructions transmitted by Circular
No. 100, dated January 10, 1944, relating to the act of
Congress approved September 8, 1944 (Public Law 100-100), re-

specting the act relating to the return of funds and assets held
by the Government, and the act relating to the return of funds and
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D. E. [Illegible]

Acting Assistant Commissioner

DEC 14 1914
7161 11 02

Circular No. 368

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

December 9, 1914.

: Instructions under the
: Internal Revenue act, ap-
: proved October 22, 1914,
: Public No. 217.

Registers and Receivers,

United States District Land Offices.

Gentlemen:

Your attention is directed to the act of Congress (Public No. 217) entitled "An act to increase the internal revenue, and for other purposes," approved October 22, 1914, and especially to the provisions of schedule "A" of said act.

By said schedule, stamp taxes are provided in the following cases, on and after December 1, 1914, until and including December 31, 1915:

1. "Bond: For indemnifying any person or persons, firm, or corporation who shall have become bound or engaged as surety for the payment of any sum of money, or for the due execution or performance of the duties of any office or position, and to account for money received by virtue thereof, and all other bonds of any description, except such as may be required in legal proceedings, not otherwise provided for in this schedule, 50 cents."

This section is applicable to mineral surveyors' bonds and to prospectors' bonds under the act of March 3, 1909 (35 Stat., 844), act of June 22, 1910 (36 Stat., 583), and act of July 17, 1914 (Public 128).

It is also applicable to bonds given by a sawmill operator pursuant to the act of June 3, 1878 (20 Stat., 88), and the act of March 3, 1891 (26 Stat., 1093), and to bonds required of purchasers of damaged timber under the act of April 3, 1913 (37 Stat., 1015).

2. "Certificate of any description required by law not otherwise specified in this Act,, 10 cents."

This section is applicable to certified copies of patents, documents, or other records furnished by this office; certified copies of field notes furnished by the United States Surveyors-General, and all certified copies of records which the local land officers are authorized to furnish under the act of March 22, 1904 (35 Stat., 144). Funds can not be accepted in lieu of revenue stamps by this office, the local land officers or the United States Surveyors-General, and where funds are transmitted they should be promptly returned and the party advised to transmit the requisite stamp.

Stamps are not required upon applications to enter lands under the public land laws, whether the jurats are executed before the register and receiver of the local office or before some other officer authorized to take acknowledgments in public land matters. Neither is it required to place stamps upon township plats furnished by the local land officers showing entered and vacant lands in particular townships.

3. "Conveyance: Deed, instrument, or writing, whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his, her, or their direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance thereon, exceeds \$100 and does not exceed \$500, 50 cents; and for each additional \$500 or fractional part thereof in excess of \$500, 50 cents: Provided, That nothing contained in this paragraph shall be so construed as to impose a tax upon any instrument or writing given to secure a debt."

Assignments of desert land entries, either in whole or in part, or of reclamation homesteads under the provisions of the act of June 23, 1910 (36 Stat., 592), are conveyances of an interest in land such as will require a revenue stamp under this section. The same rule is also applicable to conveyances or deeds by which claims under the mining laws are sold, transferred or conveyed. Where such assignments, deeds, or conveyances have not been recorded in the local recording office, a corroborated affidavit, preferably by the assignee and assignor, should be furnished giving the actual value of the interest so transferred, exclusive of any lien or encumbrance thereon, which affidavit should be used as a basis for

Circular No. 368 --3.

ascertaining the proper amount of stamps to be affixed to the conveyance.

4. "Power of attorney to sell and convey real estate, or to rent or lease the same, to receive or collect rent, to sell or transfer any stock, bonds, scrip, or for the collection of any dividends or interest thereon, or to perform any and all other acts not hereinbefore specified, 25 cents."

This section is applicable to all powers of attorney to make mining locations, and to sell, convey, rent or lease the same, and to make applications for patent for such mining claim. It is also applicable to powers of attorney to select lands in connection with lieu-land applications.

Ordinary powers of attorney in contest cases, or powers of attorney to represent and protect a client's interest in claims pending before the Land Department, do not require stamps.

Respectfully,

CLAY TALLMAN,

Commissioner.

See 1860

CIRCULAR No. 371.

See Cir. 620

OFFERINGS AT PUBLIC SALE—SECTION 2455, REVISED
STATUTES, AS AMENDED BY ACT OF MARCH 28, 1912
(37 STAT., 77).

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, January 11, 1915.

REGISTERS AND RECEIVERS,
UNITED STATES LAND OFFICES.

SIRS: The sale of isolated tracts of public land is authorized by section 2455 of the Revised Statutes, as amended by the act of June 27, 1906 (34 Stat., 517); tracts which are mountainous or too rough for cultivation, though not isolated, may be sold under the first proviso to the act of March 28, 1912 (37 Stat., 77), see page 5 hereof; special provisions as to lands in Western Nebraska are found in the act of March 2, 1907 (34 Stat., 1224).

The present instructions constitute a revision of those of July 17, 1913 (Circular No. 253), the paragraphs changed being those numbered 2, 6, 8, 10, 12, and 14, and the regulations as to offerings of rough or mountainous land, and of the surface of coal land, now designated as paragraphs 15, 16, and 17. The prescribed forms are also changed.

As revised, the regulations provide (1) that an applicant or purchaser need not be a citizen of the United States, but must at least have declared his intention to become such; (2) that the highest bidder must immediately pay to the receiver the amount of his bid, and (3) that a sale shall not, as heretofore, be kept open for an hour, but shall be declared closed when those present in the office at the hour named therefor have ceased bidding, and the highest bidder has paid for the land.

GENERAL REGULATIONS.

1. Applications to have isolated tracts ordered into market must be filed with the register and receiver of the local land office in the district wherein the lands are situated.

2. Applicants must show by their affidavits, corroborated by at least two witnesses, that the land contains no salines, coal, or other minerals; the amount, kind, and value of timber or stone thereon, if any; whether the land is occupied, and if so, the nature of the occupancy; for what purpose the land is chiefly valuable; why it is desired that same be sold; that applicant desires to purchase the land for his own individual use and actual occupation and not for speculative purposes, and that he has not heretofore purchased under section 2455, Revised Statutes, or the amendments thereto, isolated tracts the area of which, when added to the area now applied for, will exceed approximately 160 acres; and that he is a citizen of the United States, or has declared his intention to become such. If applicant has heretofore purchased lands under the provisions of the

acts relating to isolated tracts, same must be described in the application by subdivision, section, township, and range.

3. The affidavits of applicants to have isolated tracts ordered into market and of their corroborating witnesses may be executed before any officer having a seal and authorized to administer oaths in the county or land district in which the tracts described in the applications are situated.

4. The officer before whom such affidavits are executed will cause each applicant and his witnesses to fully answer the questions contained upon the accompanying form and, after the answers to the questions therein contained have been reduced to writing, to sign and swear to same before him.

5. No sale will be authorized upon the application of a person who has purchased under section 2455, Revised Statutes, or the amendments thereto, any lands the area of which, when added to the area applied for, shall exceed approximately 160 acres.

6. Only one tract may be included in an application for sale, based upon the isolation thereof, and no tract exceeding approximately 160 acres in area will be ordered into the market.

7. No tract of land will be deemed isolated and ordered into the market unless, at the time application is filed, the said tract has been subject to homestead entry for at least two years after the surrounding lands have been entered, filed upon, or sold by the Government, except in cases where some extraordinary reason is advanced sufficient, in the opinion of the Commissioner of the General Land Office, to warrant waiving this restriction.

8. The local officers will, on receipt of applications, note same upon the tract books of their office, and if the applications are not properly executed or not corroborated they will reject the same, subject to the right of appeal. Applications found to be properly executed and corroborated will be disposed of as follows:

(a) If the applicant does not show himself qualified, or if the tract appears not to be subject to disposition under the provisions of paragraph 7, or if all the land is appropriated, the local officers will reject the application subject to the usual right of appeal; if part of the tract is appropriated, they will reject the application as to that part, and, in the absence of an appeal after the usual notice, they will eliminate the description thereof from the application and take further action as though it had never been included therein. Where an appeal is filed, the Commissioner of the General Land Office, if he decides to order into market a part, or all, of the lands, will call upon the local officers and the chief of field division for the reports as next provided for, concerning the value of the land.

(b) If all of the land applied for is vacant and not withdrawn or otherwise reserved from such disposition and the status of the surrounding lands is such that a sale might properly be ordered under paragraph 7, the local officers, after noting the application on their records, will promptly forward the same to the chief of field division for report as to the value of the land and any objection he may wish to interpose to the sale, and the register will make proper notations on his schedule of serial numbers in the event the application is not returned in time to be forwarded with the returns for the month in which it is filed. Upon receipt of the application from the chief of field division, with his report thereon, the local officers will attach

their report as to the status of the land and that surrounding, the value of the land applied for, if they have any knowledge concerning the same, and any objection to the sale known to them, and forward the papers to the General Land Office with the returns for the current month.

9. An application for sale under these instructions will not segregate the land from entry or other disposal, for such lands may be entered at any time prior to the receipt in the local land office of the letter authorizing the sale and its notation of record. Should all of the land applied for be entered or filed upon while the application for sale is in the hands of the chief of field division, the local officers will so advise him and request the return of the application for forwarding to the General Land Office. Likewise, should any or all of the land be entered or filed upon while the application for sale is pending before the General Land Office, the local officers will so report by special letter.

10. Upon receipt of letter authorizing the sale the local officers will at once examine the records to see whether the tract, or any part thereof, has been entered. If the examination of the record shows that all of the tract has been entered or filed upon, the local officers will not promulgate the letter authorizing the sale, but will report the facts to the General Land Office, whereupon the letter authorizing the sale will be revoked. If a part of the land has been entered, they will so report and note on the tract book, opposite such portion of the tract as is found to be clear, that sale has been authorized, giving the date of the letter. Thereupon the land will be considered segregated for the purpose of sale. The minimum price set by the order for sale should also be noted on the records. In the event no sale is had the price so noted will be effective as to any subsequent application for offering, filed within three years after the date of the report of the chief of field division.

The local officers will prepare a notice for publication on the form hereinafter given, describing the land found to be unentered, and fixing a date for the sale, which date must be far enough in advance to afford ample time for publication of the notice, and for the affidavit of the publisher to be filed in the local land office prior to the date of the sale. The register will also designate a newspaper as published nearest to the land described in the notice. The notice will be sent to the applicant with instructions that he must publish the same at his expense in the newspaper designated by the register. Payment for publication must be made by applicant directly to the publisher, and in case the money for publication is transmitted to the receiver, he must issue receipt therefor, and immediately return the money to the applicant by his official check, with instructions to arrange for the publication of the notice as hereinbefore provided.

If evidence of publication is not filed at or before the time set for the offering, the local officers will close the case on their records, and will report the default to the General Land Office, which will, without letter, close the case on its records.

11. Notice must be published once a week for 5 consecutive weeks (or 30 consecutive days, if in a daily paper) immediately prior to the date of sale, but a sufficient time should elapse between the date of last publication and date of sale to enable the affidavit of the publisher to be filed in the local land office. The notice must be published in the paper designated by the register as nearest the land

described in the application. The register and receiver will cause a similar notice to be posted in the local land office, such notice to remain posted during the entire period of publication. The applicant must file in the local land office, prior to the date fixed for the sale, evidence that publication has been had for the required period, which evidence may consist of the affidavit of the publisher, accompanied by a copy of the notice published.

12. At the time and place fixed for the sale the register or receiver will read the notice of sale and allow all qualified persons an opportunity to bid. Bids may be made through an agent personally present at the sale, as well as by the bidder in person. The register or receiver conducting the sale will keep a record showing the names of the bidders and the amount bid by each. Such record will be transmitted to this office with the other papers in the case.

When all persons present shall have ceased bidding, the local officers will, in the usual manner, declare the sale closed, announcing the name of the highest bidder; the highest bid will be accepted and the offerer thereof (or his principal) will be declared the purchaser, provided he immediately pay to the receiver the amount of the bid; in the absence of such payment the officers will at once proceed with the sale, excluding bids by him, and starting with the highest bid not withdrawn. The accepted bidder must, within 10 days after the sale, furnish evidence that he is a citizen of the United States or has declared his intention to become such; also, a nonmineral affidavit or (in the States where that is sufficient) a nonsaline affidavit. Upon the filing of these papers the local officers will issue final certificate.

13. No lands will be sold at less than the price fixed by law, nor at less than \$1.25 per acre; but a minimum price will be set by the letter ordering the sale, based upon the report of the chief of field division. Should any of the lands offered be not sold, the same will not be regarded as subject to private entry unless located in the State of Missouri (act of Mar. 2, 1889, 25 Stats., 854), but may again be offered for sale in the manner herein provided.

14. After each offering where the lands offered are *not* sold, the local officers will close the case on their records and report by letter to the General Land Office. No report by letter will be made when the offering results in a sale; but the local officers will issue cash papers as in ordinary cash entries, noting thereon the date of the letter authorizing the offering, and report the same in their current monthly returns. With the papers must also be forwarded the affidavit of publisher showing due publication and the register's certificate of posting. In all cases where no sale is had the land will, in the absence of other objection, become subject to entry or filing at once without action by this office.

ACT OF MARCH 28, 1912 (37 STAT., 77).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-four hundred and fifty-five of the Revised Statutes of the United States be amended to read as follows:

"Sec. 2455. It shall be lawful for the Commissioner of the General Land Office to order into market and sell at public auction, at the land office of the district in which the land is situated, for not less than one dollar and twenty-five cents an acre, any isolated or disconnected tract or parcel of the public domain not exceeding one-quarter section which, in his judgment, it would be proper to expose for sale after at least thirty days' notice by the land officers of the district in which such land may be situated: *Provided*, That any legal subdivisions of the public land, not exceeding

one-quarter section, the greater part of which is mountainous or too rough for cultivation, may, in the discretion of said commissioner, be ordered into the market and sold pursuant to this act upon the application of any person who owns lands or holds a valid entry of lands adjoining such tract, regardless of the fact that such tract may not be isolated or disconnected within the meaning of this act: *Provided further*, That this act shall not defeat any vested right which has already attached under any pending entry or location."

REGULATIONS UNDER FIRST PROVISIO TO ACT OF MARCH 28, 1912.

15. The first proviso to the act copied above authorizes the sale of legal subdivisions not exceeding one-quarter section, the greater part of which is mountainous or too rough for cultivation, upon the application of any person who owns or holds a valid entry of lands adjoining such tract and regardless of the fact that such tract may not be actually isolated by the entry or other disposition of surrounding lands. It is left entirely to the discretion of the Commissioner of the General Land Office to determine whether a tract shall be sold, and it will not be practicable to prescribe a set of rules governing the conditions which would render a tract susceptible to sale under the proviso. Applications will be disposed of by you in accordance with the "General Regulations," except paragraph 7, which is not applicable. Applications may be made upon the form provided (4-008b) and printed herein, properly modified as necessitated by the terms of the proviso. In addition the applicant or applicants must furnish proof of his or their ownership of the whole title to adjoining land, or that he holds a valid entry embracing adjoining land, in connection with which entry he has met the requirements of the law, stating how he has complied therewith; also detailed evidence as to the character of the land applied for, the extent to which it is cultivable, and the conditions which render the greater portion unfit for cultivation; also a description of any and all lands theretofore applied for under the proviso or purchased under section 2455 or the amendments thereto. This evidence must consist of an affidavit by the claimant, corroborated by the affidavits of not less than two disinterested persons having actual knowledge of the facts.

An application under the proviso may include two or more tracts (not making more than 160 acres), provided each is contiguous to the same body of land owned or held by applicant; no person will be allowed more than one application thereunder unless he shows conditions which prevented inclusion therein of all the tracts in question. And in no event will an application be entertained where the applicant has purchased under section 2455, or the amendments thereto, an area which, when added to the area applied for, shall exceed approximately 160 acres.

16. In the notices for publication and posting, where sale is authorized under the proviso, you will add after the description of the land, "This tract is ordered into the market on a showing that the greater portion thereof is mountainous or too rough for cultivation.

ISOLATED TRACTS OF COAL LAND.

17. The act of Congress approved April 30, 1912 (37 Stat., 105), provides:

That * * * unreserved public lands of the United States, exclusive of Alaska, which have been withdrawn or classified as coal lands, or are valuable for coal, shall * * * be subject * * * to disposition * * * under the laws providing

for the sale of isolated or disconnected tracts of public lands, but there shall be a reservation to the United States of the coal in all such lands so * * * sold, and of the right to prospect for, mine, and remove the same in accordance with the provisions of the act of June twenty-second, nineteen hundred and ten, and such lands shall be subject to all the conditions and limitations of said act.

In administering this act the foregoing regulations should be followed, in so far as they are applicable, and these additional instructions are prescribed:

An application to have coal land offered at public sale must bear on its face the notation:

Application made in accordance with and subject to the provisions and reservations of the act of June 22, 1910 (36 Stat., 583).

In the printed and posted notice of sale will appear the statement:

This land will be sold in accordance with, and subject to, the provisions and reservations of the act of June 22, 1910 (36 Stat., 583).

The purchaser's consent to the reservation of the coal in the land to the United States will not be required, but the cash certificate and patent will contain respectively the provisions specified in paragraph 7(b) of the circular of September 8, 1910.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:

ANDRIEUS A. JONES,
First Assistant Secretary.

(Form 4-008b.)

APPLICATION FOR SALE OF ISOLATED OR DISCONNECTED TRACTS.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE.

To the COMMISSIONER OF THE GENERAL LAND OFFICE:

....., whose post-office address is respectfully requests that the of section, township, range, be ordered into market and sold under Sec. 2455, Revised Statutes, at public auction, the same having been subject to homestead entry for at least two years after the surrounding lands were entered, filed upon, or sold by the Government.

Applicant states that he is a (here state whether native-born or naturalized citizen of the United States, or has declared his intention to become a citizen, as the case may be); that this land contains no salines, coal, or other minerals, and no stone except; that there is no timber thereon except trees of the species, ranging from inches to feet in diameter, and aggregating about feet stumpage measure, of the estimated value of \$.....; that the land is not occupied except by of post office, who occupies and uses it for the purpose of, but does not claim the right of occupancy under any of the public-land laws; that the land is chiefly valuable for, and that applicant desires to purchase same for his own individual use and actual occupation for the purpose of, and not for speculative purposes; that he has not heretofore purchased public lands sold as isolated tracts, the area of which when added to the area herein applied for will exceed approximately 160 acres. The lands heretofore purchased by him under said act are described as follows:

If this request is granted, applicant agrees to have notice published at his expense in the newspaper designated by the register.

(Applicant will answer fully the following questions:)

Question 1. Are you the owner of land adjoining the tract above described? If so, describe the land by section, township, and range.

Answer.

Question 2. To what use do you intend to put the isolated tract above described should you purchase same?

Answer.

Question 3. If you are not the owner of adjoining land, do you intend to reside upon or cultivate the isolated tract?

Answer.

Question 4. Have you been requested by anyone to apply for the ordering of the tract into market? If so, by whom?

Answer.

Question 5. Are you acting as agent for any person or persons or directly or indirectly for or in behalf of any person other than yourself in making said application?

Answer.

Question 6. Do you intend to appear at the sale of said tract if ordered, and bid for same?

Answer.

Question 7. Have you any agreement or understanding, expressed or implied, with any other person or persons that you are to bid upon or purchase the land for them or in their behalf, or have you agreed to absent yourself from the sale or refrain from bidding so that they may acquire title to the land?

Answer.

.....
(Sign here with full christian name.)

We are personally acquainted with the above-named applicant and the land described by him, and the statements hereinbefore made are true to the best of our knowledge and belief.

.....
(Sign here with full christian name.)

.....
(Sign here with full christian name.)

I certify that the foregoing application and corroborative statement were read to or by the above-named applicant and witnesses in my presence before affiants affixed their signatures thereto; that I verily believe affiants to be credible persons and the identical persons hereinbefore described; that said affidavits were duly subscribed and sworn to before me at my office, at, this day of, 19...

.....
(Official designation of officer.)

(Forms 4-348c and 4-348d.)

ISOLATED TRACT—PUBLIC LAND SALE.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,

....., 19...
Notice is hereby given that, as directed by the Commissioner of the General Land Office, under the provisions of Sec. 2455, Revised Statutes, pursuant to the application of, Serial No., we will offer at public sale, to the highest bidder, but at not less than \$..... per acre, at o'clock .. m., on the day of next, at this office, the following tract of land:

The sale will not be kept open, but will be declared closed when those present at the hour named have ceased bidding. The person making the highest bid will be required to immediately pay to the receiver the amount thereof.

Any persons claiming adversely the above-described land are advised to file their claims or objections on or before the time designated for sale.

.....
Register.

.....
Receiver.

In reply please refer to Circular No. 375.

JWD DKP

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

January 22, 1915.

: Notations on tract books
: and plats.

Registers and Receivers,

United States Land Offices:

Sirs:

It having come to the attention of this office that it has not been the practice of some registers to note all applications and entries of public lands on township plats, your attention is called to Section 2295 of the Revised Statutes of the United States, which provides in part that:

The register of the land office shall note all applications under the provisions of this chapter (5-Homesteads) on the tract books and plats of his office, and keep a register of such entries * * *.

While this section applies to homestead applications only, it is nevertheless necessary that notations shall be made on the tract books and plats of all applications and entries of public lands, regardless of their character, in order that the status of a tract may be readily ascertained by the officer or person examining either tract book or plat, and you are instructed to hereafter cause the proper notations to be made on the plats as well as on the tract books.

STATEMENT OF THE FACTS

General Land Office

Washington

January

1. The first of these is the fact that the land is not being properly managed.

2. The second is the fact that the land is not being properly managed.

3. The third is the fact that the land is not being properly managed.

4. The fourth is the fact that the land is not being properly managed.

5. The fifth is the fact that the land is not being properly managed.

6. The sixth is the fact that the land is not being properly managed.

7. The seventh is the fact that the land is not being properly managed.

8. The eighth is the fact that the land is not being properly managed.

The purpose of this report is to provide a detailed account of the land management practices in the various sections of the land. It is intended to provide a basis for the development of a plan of action to improve the management of the land.

The report is divided into two main parts. The first part is a description of the land and the second part is a description of the management practices.

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under grants from Congress, for railroads and other purposes, charge 10 cents for each 160 acres or fraction thereof, computed as are the fees to be collected under paragraph 152 of Circular No. 105.⁴

Very respectfully,

CLAY TALLMAN, *Commissioner.*

Approved.

ANDRIEUS A. JONES,
First Assistant Secretary.

CIRCULAR No. 375

NOTATIONS ON TRACT BOOKS AND PLATS

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE,

Washington, January 22, 1915.

Registers and Receivers, United States Land Offices.

Sirs: It having come to the attention of this office that it has not been the practice of some registers to note all applications and entries of public lands on township plats, your attention is called to section 2295 of the Revised Statutes of the United States, which provides, in part, that:

The register of the land office shall note all applications under the provisions of this chapter (5—Homesteads) on the tract books and plats of his office, and keep a register of such entries . . .

While this section applies to homestead applications only, it is nevertheless necessary that notations shall be made on the tract books and plats of all applications and entries of public lands, regardless of their character, in order that the status of a tract may be readily ascertained by the officer or person examining either tract book or plat, and you are instructed to hereafter cause the proper notations to be made on the plats as well as the tract books.

Applications should be noted on the plats with pencil, and changed to an ink notation if the application is subsequently allowed as an entry or its equivalent. Should the application later be finally rejected and closed, the pencil notation on the plat may be erased. Great care should be exercised in making notations and erasures not to injure the texture or topographic features of the plat.

Plat notations should be made by outlining the tract involved and inserting the serial number of the application within the lines. This will furnish a sufficient reference to the serial register containing a complete record of the case. Appropriate cross references should be made where an application embraces tracts extending into another township. All withdrawals, reservations, classifications, designations under the enlarged homestead act, and similar orders affecting the disposition of the land should be noted on the margin of the plats as well as on the tract books.

⁴ Circular No. 105 has been superseded by Circular No. 616. See par. 121, p. 75 and par. 139, p. 79.

1278 CIRCULARS AND REGULATIONS OF THE GENERAL LAND OFFICE

Local officers whose plats have not heretofore been completely noted as indicated herein are directed, as time is available, to systematically check their plats with the tract books, and cause all necessary plat notations to be made.

Very respectfully,

CLAY TALLMAN, *Commissioner.*

[Reported, 44 L. D. 194]

CERTIFIED COPIES OF HOMESTEAD ENTRY PAPERS

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, July 14, 1915.

1. Hereafter no photographic certified copy of homestead entry papers, where the entry was made prior to June 22, 1874, and was for less than 160 acres, will be made, except for Government use. All certified copies of such entry papers, for other than Government use, must be typewritten. Where a blank form is used the blank spaces must be typewritten.

2. From and after this date no tracing of any signature, or imitation thereof, to papers in such homestead entries shall be made by any attorney, agent or other person, for private use. Chiefs of divisions having the custody of this class of homestead entry papers will see that this order is complied with.

CLAY TALLMAN, *Commissioner.*

Approved July 14, 1915.

A. A. JONES,
First Assistant Secretary.

[Reported, 44 L. D. 235]

INSTRUCTIONS RELATIVE TO FURNISHING COPIES AND PERMITTING INSPECTION OF THE RECORDS OF THE INTERIOR DEPARTMENT¹

DEPARTMENT OF THE INTERIOR,
Washington, August 4, 1915.

To All Bureaus and Officers of the Interior Department:

The following instructions will govern the matter of furnishing copies of official books, records, etc., of this department, its bureaus, offices, and institutions, and the matter of inspecting such books, records, etc., under the provisions of the act of August 24, 1912 (37 Stat. 497), copy of which is appended hereto:

1. Any person desiring a copy of any such book, record, etc., within the custody of the Secretary of the Interior, the head of any bureau, office, or institution, or officer of this department, which is subject to be furnished under section 1 of said act when not prejudicial to the interests of the Government, must make written application for such copy to such custodian, except in cases coming within the second proviso of said section, stating in such application specifi-

¹ Modified by Circular No. 777, p. 1280.

THE SECRETARY OF THE INTERIOR

Local officers whose plans have not been submitted
and at present have no plan, as time is valuable in
submitting their plans with the first book and some of
very important to be made.

Very respectfully,
John Taylor, Jr., Secretary

January 14, 1911

DEPARTMENT OF THE INTERIOR

WASHINGTON, D. C.

January 14, 1911

I have the pleasure to acknowledge the receipt of your letter of the 12th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. The same will be held in reserve for the Department and will be submitted to the proper authorities for their consideration. With a view to the same, the same will be held in reserve for the Department and will be submitted to the proper authorities for their consideration.

I have the pleasure to acknowledge the receipt of your letter of the 12th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. The same will be held in reserve for the Department and will be submitted to the proper authorities for their consideration.

Very truly yours,
John Taylor, Jr., Secretary

January 14, 1911

J. A. Taylor

John Taylor, Jr., Secretary

January 14, 1911

DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.

January 14, 1911

Washington, D. C.

The following information will be given to the public in the form of a book, which will be published by the Department of the Interior. The book will contain information of the Department of the Interior, and will be published by the Department of the Interior. The book will contain information of the Department of the Interior, and will be published by the Department of the Interior.

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January 14, 1911

under grants from Congress, for railroads and other purposes, charge 10 cents for each 160 acres or fraction thereof, computed as are the fees to be collected under paragraph 152 of Circular No. 105.⁴

Very respectfully,

CLAY TALLMAN, *Commissioner.*

Approved,

ANDRIEUS A. JONES,
First Assistant Secretary.

CIRCULAR No. 375

NOTATIONS ON TRACT BOOKS AND PLATS

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, January 22, 1915.

Registers and Receivers, United States Land Offices.

SIRS: It having come to the attention of this office that it has not been the practice of some registers to note all applications and entries of public lands on township plats, your attention is called to section 2295 of the Revised Statutes of the United States, which provides in part that:

The register of the land office shall note all applications under the provisions of this chapter (5—Homesteads) on the tract books and plats of his office, and keep a register of such entries. * * *

While this section applies to homestead applications only, it is nevertheless necessary that notations shall be made on the tract books and plats of all applications and entries of public lands, regardless of their character, in order that the status of a tract may be readily ascertained by the officer or person examining either tract book or plat, and you are instructed to hereafter cause the proper notations to be made on the plats as well as the tract books.

Applications should be noted on the plats with pencil, and changed to an ink notation if the application is subsequently allowed as an entry or its equivalent. Should the application later be finally rejected and closed, the pencil notation on the plat may be erased. Great care should be exercised in making notations and erasures not to injure the texture or topographic features of the plat.

Plat notations should be made by outlining the tract involved and inserting the serial number of the application within the lines. This will furnish a sufficient reference to the serial register containing a complete record of the case. Appropriate cross references should be made where an application embraces tracts extending into another township. All withdrawals, reservations, classifications, designations under the enlarged homestead act, and similar orders affecting the disposition of the land should be noted on the margin of the plats as well as on the tract books.

⁴ Circular No. 105 has been superseded by Circular No. 616. See par. 121, p. 75 and par. 139, p. 79.

Administrative Service Commission, for witnesses and other persons, expenses
incurred, and for the cost of food and lodging, computed on the basis
of the actual cost and under paragraph 10 of Circular No. 100-1.

Very respectfully,

Chief Technical Commissioner

Approved:

Assistant A. Jones,
Chief Technical Commissioner

Enclosure No. 375

NOTATIONS ON TRUST NOTES AND PLATS

Instructions on the Trust

Department of the Interior

Washington, January 15, 1915

Attention is directed to the fact that

it is the policy of the Department to have all applications for trust notes and plats
submitted to the Bureau of Land Management, Department of the Interior, for
approval. It is further noted that the Bureau of Land Management is the only
agency in the Department which has the authority to issue trust notes and plats.

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1278 CIRCULARS AND REGULATIONS OF THE GENERAL LAND OFFICE

Local officers whose plats have not heretofore been completely noted as indicated herein are directed, as time is available, to systematically check their plats with the tract books, and cause all necessary plat notations to be made.

Very respectfully,

CLAY TALLMAN, *Commissioner.*

[Reported, 44 L. D. 194]

CERTIFIED COPIES OF HOMESTEAD ENTRY PAPERS

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, July 14, 1915.

1. Hereafter no photographic certified copy of homestead entry papers, where the entry was made prior to June 22, 1874, and was for less than 160 acres, will be made, except for Government use. All certified copies of such entry papers, for other than Government use, must be typewritten. Where a blank form is used the blank spaces must be typewritten.

2. From and after this date no tracing of any signature, or imitation thereof, to papers in such homestead entries shall be made by any attorney, agent or other person, for private use. Chiefs of divisions having the custody of this class of homestead entry papers will see that this order is complied with.

CLAY TALLMAN, *Commissioner.*

Approved July 14, 1915.

A. A. JONES,
First Assistant Secretary.

[Reported, 44 L. D. 235]

INSTRUCTIONS RELATIVE TO FURNISHING COPIES AND PERMITTING INSPECTION OF THE RECORDS OF THE INTERIOR DEPARTMENT¹

DEPARTMENT OF THE INTERIOR,
Washington, August 4, 1915.

To All Bureaus and Officers of the Interior Department:

The following instructions will govern the matter of furnishing copies of official books, records, etc., of this department, its bureaus, offices, and institutions, and the matter of inspecting such books, records, etc., under the provisions of the act of August 24, 1912 (37 Stat. 497), copy of which is appended hereto:

1. Any person desiring a copy of any such book, record, etc., within the custody of the Secretary of the Interior, the head of any bureau, office, or institution, or officer of this department, which is subject to be furnished under section 1 of said act when not prejudicial to the interests of the Government, must make written application for such copy to such custodian, except in cases coming within the second proviso of said section, stating in such application specifi-

¹ Modified by Circular No. 777, p. 1280.

THE HISTORY OF THE GREAT EASTERN

Large numbers of these plates have been deposited
with the Library of Congress and are available to
researchers. The plates are arranged in chronological
order and are numbered in the top left corner. The
plates are made of metal and are of various sizes.
They are arranged in a series of boxes.

Very respectfully,
John T. Smith, Commissioner.

Approved July 14, 1915

CONTENTS OF THE LIBRARY OF THE GREAT EASTERN

Department of the Interior,
Library of the Great Eastern,
Washington, July 14, 1915.

I have the honor to acknowledge the receipt of your
letter of the 10th inst. and in reply to inform you
that the same has been forwarded to the proper
authorities for their consideration. The same
will be returned to you as soon as possible.
Very respectfully,
John T. Smith, Commissioner.

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letter of the 10th inst. and in reply to inform you
that the same has been forwarded to the proper
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will be returned to you as soon as possible.
Very respectfully,
John T. Smith, Commissioner.

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Approved July 14, 1915

A. A. Smith,
First Assistant Commissioner.

Approved July 14, 1915

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Very respectfully,
John T. Smith, Commissioner.

Approved July 14, 1915

Part 101. 10

CIRCULAR No. 378.

still in effect. 5/26/54 MB

**FULL NAMES SHOULD APPEAR IN ENTRIES AND FINAL
CERTIFICATES.**

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, January 29, 1915.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS:

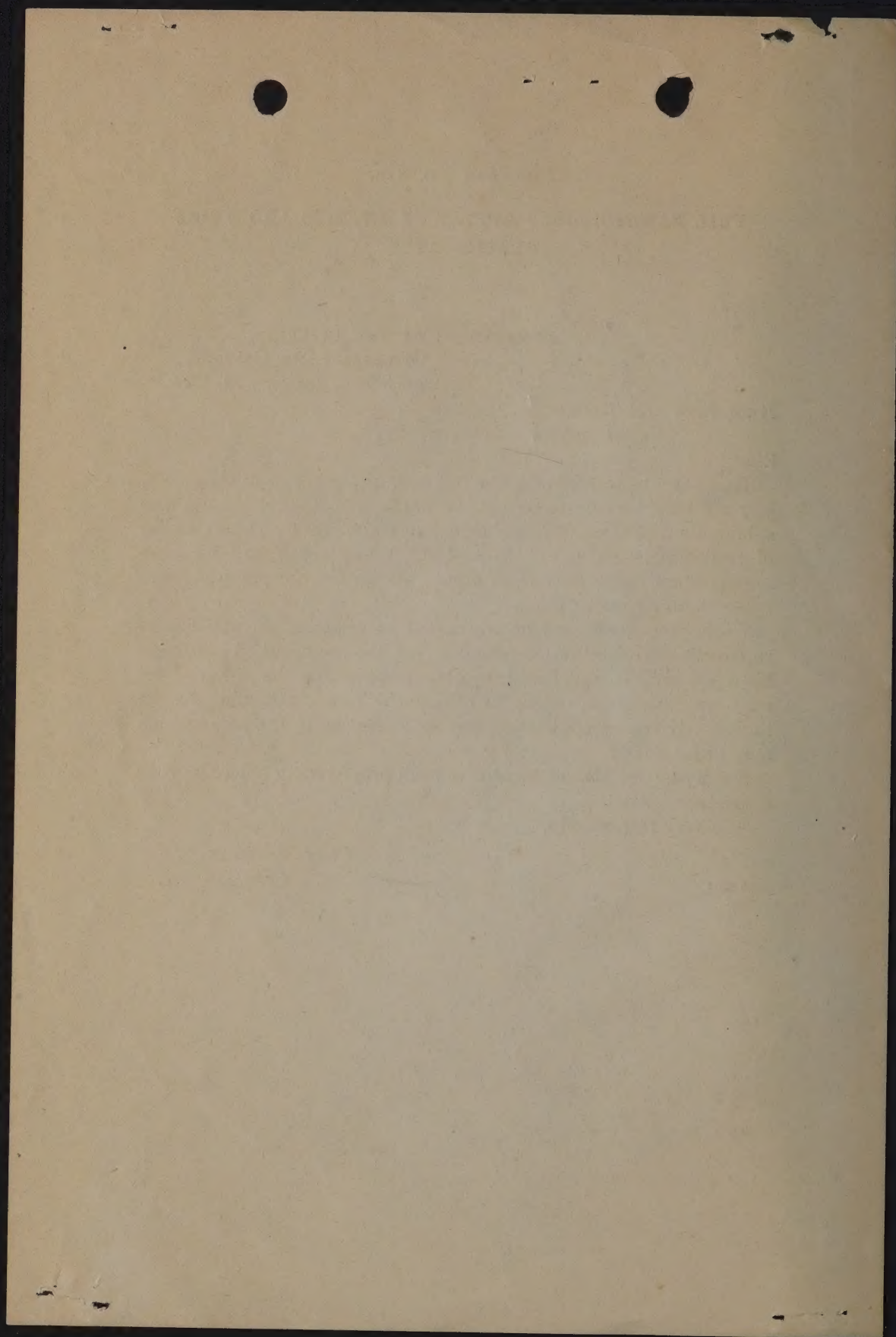
That patents may issue in the full and proper names of claimants, you will exercise care to obtain the full names of all claimants who submit final proofs. Patents issued to claimants by abbreviations of their names (such as "Ed," "Al," "Joe," etc.) and by mere initials often cause trouble at a future time for the patentees and those claiming under them.

While you would not be warranted in rejecting an application to enter public land on the ground that the applicant did not sign his name in full, you should, without jeopardizing the rights of the applicant, use every effort to obtain the name, attaching to the imperfectly signed application any statement as to the name which may be later filed.

A copy hereof should be sent to each proof-taking officer in your respective districts.

Very respectfully,

CLAY TALLMAN,
Commissioner.



See 1843
CIRCULAR No. 383.

**AMENDING PARAGRAPH 13 OF THE CIRCULAR APPROVED
SEPTEMBER 30, 1910, AS AMENDED MARCH 23, 1914.**

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., February 25, 1915.

CHIEFS OF FIELD DIVISIONS,
AND REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: Your particular attention is called to paragraphs 12 and 13 of the desert-land circular approved September 30, 1910, as amended March 23, 1914, in regard to the allowance of desert-land entries, special reference being made to the showing required of applicants as to the sufficiency of the alleged water supply.

For the purpose of preventing the allowance of desert entries for lands incapable of reclamation said paragraph 13 is amended and enlarged to read as follows:

13. At the time of filing the declaration with the register and receiver the applicant must also file plans describing in detail the following: Source of water supply; character of the irrigation works constructed, in course of construction, or proposed to be constructed, i. e., reservoirs for storage; canals, flumes, or other method by which water is to be conserved and conveyed to the land; if by direct diversion, the character and volume of the flow of the streams or springs, whether perennially flowing or intermittent. If the works have not been constructed, it must be shown whether they are to be built by an irrigation district, a corporation, or an association, and a general description of the proposed plan must be furnished. It must be shown in connection with any proposed plan whether, and by whom, surveys and investigations have been made which demonstrate the existence of a sufficient water supply and the feasibility of the proposed works to convey water to the land. If the applicant, or others in association with him, propose to construct irrigation works, a sworn statement must accompany the declaration, containing a general description of the proposed works, an estimate of the cost, and such other data as will enable the register and receiver and the department to determine the sufficiency of the water supply and the feasibility of the proposed works to convey water to the lands to be irrigated. If the irrigation is proposed by means of artesian wells or by pumping from nonartesian underground sources of water supply, evidence must be submitted as to the existence of such water supply upon or near the land involved, including a statement as to other wells theretofore sunk and affording a water supply to adjoining or near-by lands. With respect to the land itself, a specific showing must be submitted as to its approximate altitude, character of the

soil, and to what points upon the tract the ditches or laterals are to be extended; and that the land is of such contour that it can be irrigated from the proposed system. The map required to be filed by section 4 of the act of March 3, 1891 (26 Stat., 1095), must be sufficiently definite and accurate (preferably, not but necessarily, prepared by a licensed engineer) to show the plan for conducting water to the land to be irrigated. The register and receiver will carefully examine the evidence submitted in such declarations, and either reject defective declarations or require additional evidence to be filed. At the time of filing his declaration, plans, and the statements submitted therewith, the applicant must pay the receiver the sum of 25 cents per acre for the lands therein described, the declaration to be given its proper serial number at that time, in accordance with paragraph 4, Circular No. 105. The receiver will issue a receipt for the money, and after proper notations have been made on your records the application will be transmitted to the proper Chief of Field Division for report as to the sufficiency of the alleged water supply and the feasibility of the proposed plans. The register and receiver will report to the Chief of Field Division any facts in their knowledge with respect to the land, the water supply, or the proposed plan of irrigation, including the financial responsibility and general ability of the irrigation districts, corporations, or associations which propose to construct works for the reclamation of such land. In all cases the register and receiver will certify as to the status of the lands, as shown by their records, and when forwarding an application for report they will attach all papers filed by the applicant. No application will be forwarded to the Chief of Field Division until all evidence required under the said paragraphs has been furnished by the applicant.

When an application is received by the Chief of Field Division he will have same considered by a field examiner, who will make a written report thereon recommending the allowance or rejection of the application. If such report is favorable, and the Chief of Field Division is of the opinion that the entry should be allowed, he will return the application to the register and receiver with the report and recommendation to that effect, whereupon the register and receiver will pass upon it in regular order in the light of the report, which is to be attached to the application and become a part of the record, and, in the absence of any objection, will sign the certificate at the end of the declaration under date of its allowance.

If, however, the Chief of Field Division is of the opinion that the entry should not be allowed, he will have a full report prepared on the application and transmit the entire record to this office for consideration and action, advising the register and receiver thereof.

In the event that an applicant alleges a company, an association, or an irrigation district as the proposed source of water supply, upon which report has not been submitted, the Chief of Field Division will cause an investigation to be made of such project, and have a report submitted thereon to this office in accordance with the instructions heretofore issued, making a definite recommendation as to the allowance of original entries under the project, and will transmit the application involved with the report.

If the project alleged as the source of water supply has been reported upon, but no action on such report has been taken by this office, the Chief of Field Division will transmit the application to this

office with appropriate recommendation. In the event the applicant alleges a project which has been passed upon by this office, the Chief of Field Division will consider same in accordance with the conclusions reached, and, in the event that favorable action is warranted, will return the papers to the register and receiver with proper report and recommendation. In case adverse action is necessary the Chief of Field Division will transmit the application to this office with proper recommendation.

Should this office, after careful consideration of the examiner's report and the showing made by the applicant, deny the right to make entry, the applicant will be allowed the right to apply for a hearing or to appeal, as he may desire.

If an application is not returned by the Chief of Field Division in time to be considered and allowed by the register and receiver and transmitted with the returns for the month during which filed, the register and receiver will note "To C. F. D. (giving date)" in the remarks column of the "General Schedule of Serial Numbers," and will forward with their returns for that month a separate report for each application so held by the Chief of Field Division, giving name of land district, serial number, name of applicant, land involved, and date of transmittal to the Chief of Field Division, observing paragraph 64 of Circular No. 105.

Registers and receivers will furnish copies hereof to all officers in their land districts before whom desert land declarations may be made, advising them that all the foregoing regulations will be strictly enforced.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:

ANDRIEUS A. JONES,
First Assistant Secretary.

CIRCULAR No. 393.

REGULATIONS UNDER THE ACT OF JULY 17, 1914 (38 STAT., 509), PROVIDING FOR AGRICULTURAL ENTRIES ON PHOSPHATE, OIL, AND CERTAIN OTHER MINERAL LANDS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 20, 1915.

REGISTERS AND RECEIVERS,
United States Land Offices.
(Exclusive of Alaska.)

SIRS: The following regulations are for the guidance of yourselves and the public in matters affected by the act of Congress approved July 17, 1914 (38 Stat., 509), entitled "An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals," a copy of which is hereto appended.

SCOPE OF THE ACT.

(1) The legislation is general and comprehensive, and operates in all the States containing public lands of the character specified. It does not apply to lands in the Territory of Alaska, or to lands in the United States which for other reasons are not available or which, in other words, are not subject to entry. This statute fully covers the field included in the special acts of August 24, 1912 (37 Stat., 496), providing for certain agricultural entries and selections on oil and gas lands in the State of Utah, and of February 27, 1913 (37 Stats., 687), authorizing selections by the State of Idaho of phosphate and oil lands in that State. This broad and general act supersedes and displaces said special laws, and by implication works their repeal. Therefore, all entries, selections, or locations of lands of the character described in those special statutes made in the States mentioned on or after date of this general act (July 17, 1914), will be treated as within the scope of the latter act, and will be adjudicated thereunder. Also, all such entries, selections, or locations made under those special acts prior to, and not perfected at, that date will be carried to completion, approved, and patented, if at all, under the general act.

(2) Section 1 of the act authorizes the appropriation, location, selection, entry, or purchase under the nonmineral land laws of the United States, if otherwise available, of lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for such deposits, whenever such lands are sought with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn, classified, or reported as valuable, together with the right to prospect for, mine, and remove the same. Any form of appropriation under the proper applicable nonmineral land laws is authorized, with a reservation of the minerals as specified, to the same extent as if no withdrawal or classification had been made. The only exception is that no desert land entry made under the act shall contain more than 160 acres.

The term "person" used in this act will be interpreted as covering a State (see *Ex parte*, Utah, 38 L. D., 245), or other corporation, or an association when duly qualified.

Under the proviso in section 2 of the act applications for land, either withdrawn or classified, may be presented with a view of proving that the lands applied for, if withdrawn, are not of the character intended to be included in the withdrawal, or, if classified, of disproving the classification and securing patent free from reservation; also, claimants for lands withdrawn or classified for the specified minerals subsequent to location, selection, entry, or purchase have the privilege of showing at any time before final entry, purchase, or approval of selection or location that the lands sought are in fact nonmineral in character.

(3) This act in many respects resembles that of March 3, 1909 (35 Stat., 844), which provides for the protection of the surface rights of entryman upon lands subsequently classified, claimed, or reported as coal lands, and also, that of June 22, 1910 (36 Stat., 583), authorizing certain forms of agricultural entries and selections on withdrawn or classified coal lands. The general instructions under these acts of September 7, 1909 (38 L. D., 183); September 8, 1910 (39 L. D., 179); May 23, 1912 (41 L. D., 30); and June 14, 1912 (41 L. D., 89), may be followed, so far as applicable, in matters of practice and procedure not specifically covered by these regulations.

(4) Section 3 of the act is both retrospective and prospective, and under it any person who, prior to the act, had applied, or who after the passage of the act, shall apply for lands which are subsequently withdrawn, classified or reported as being valuable for the specified minerals, and which are otherwise available, may upon application therefor, and the making of satisfactory proof, receive a patent with a reservation. In this particular, the statute is quite similar to that of March 3, 1909, above referred to, and the disposition of such cases will follow the practice under that act in so far as the same is applicable.

APPLICATIONS.

(5) All applications to locate, select, enter, or purchase lands under this act, before being accepted and filed by you, must have written, stamped, or printed upon their face, the following: "Application made in accordance with, and subject to the provisions and reservations of the act of July 17, 1914 (38 Stat., 509)."

Like notations will be made by registers upon the face of the notices of allowance issued on applications filed under this act.

Orders of withdrawal under the reclamation act of lands withdrawn, classified, or reported as valuable for the specified minerals with a view to passing title to the same in accordance with the terms of this act, will state that such withdrawal is made in accordance with and subject to the provisions and reservations of the act of July 17, 1914 (38 Stat., 509).

FINAL CERTIFICATES AND PATENTS.

(6) Final certificates issued to nonmineral claimants under this act will contain the following provision, which you will cause to be written or stamped thereon:

Patent to contain provisions, reservations, conditions, and limitations of the act of July 17, 1914 (38 Stat., 509).

There will be incorporated in patents issued to nonmineral claimants under this act the following:

Excepting and reserving, however, to the United States all the [deposit on account of which the lands are withdrawn, classified, or reported as valuable—phosphate, oil, or other mineral, as the case may be] in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the act of July 17, 1914 (38 Stat., 509).

NOTATION OF RECORDS.

(7) Upon the acceptance by you of any filing under this act, you will make appropriate notation of your records to show that the filing was made under the provisions thereof; and upon the ascertainment (which will be noted of record) that the nonmineral locator, selector, entryman, or purchaser whose filing falls within the provisions of section 3 of the act, shall receive the limited patent prescribed therein, you will cause to be written or stamped on your tract books, in line with the notation of the entry and as near the description as practicable that the mineral deposits (phosphate oil, etc., as the case may be) are reserved to the United States, act of July 17, 1914. You will make a similar notation on the margin of the township plat, giving description of the land in which the deposits have been reserved.

RESERVED MINERAL DEPOSITS.

(8) The act provides that the deposits reserved in agricultural patents issued thereunder shall be "subject to disposal by the United States only as shall be hereafter expressly directed by law." Although provisions are made in the act for the protection of the surface owner against damage to his crops and improvements on the land by reason of prospecting for, mining, and removing such reserved mineral deposits, these provisions can have no operation or effect until further legislation by Congress shall authorize disposition of the reserved mineral deposits and define the qualifications of those who may acquire such deposits. In the meantime there is no right to prospect, and no right to acquire, such deposits can be in any way initiated.

CLAIMANTS OF LANDS SUBSEQUENTLY WITHDRAWN.

(9) The enactment of the law itself and the publicity given to orders of withdrawal and classifications and the notation of the same upon the records of the local offices, will be sufficient notice to such nonmineral claimants as are or may be affected by withdrawals or classifications made, or which shall be made, subsequent to their locations, selections, entries, or purchases, that they must take the limited patent prescribed by the act, upon submission of satisfactory proof of compliance with the laws under which they claim, unless the withdrawal be revoked or the classification set aside prior to the issuance of patent, or unless they show that the lands embraced in their claims are in fact nonmineral.

APPLICATIONS TO DISPROVE CLASSIFICATIONS.

(10) (a) The proviso to section 2 of the act allows any qualified person to present an application to locate, select, enter, or purchase, under the land laws of the United States, lands which are withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, with a view to obtaining a patent thereunder without reservation. An applicant under this proviso must submit with his application a request for a classification of the land as nonmineral, filing therewith a showing, preferably the sworn statements of experts or practical miners, of the facts upon which is founded the knowledge or belief that the land applied for is not valuable for the mineral on account of which it was withdrawn or classified.

Applications to locate, select, enter, or purchase lands so withdrawn or classified, which are not filed under the provisions of section 1 of the act, and are not accompanied by request for classification as nonmineral of the land applied for, and the evidence required herein to be filed with such request, will be rejected by you, and the applicant allowed 30 days from notice within which to amend his application to take a limited patent for the land in accordance with and subject to the provisions of the act, or to file request for classification thereof as nonmineral, accompanied by the necessary evidence.

Such applications will be given proper serial numbers, noted upon your records, and forwarded, together with the request for classification and the evidence submitted therewith, to the General Land Office for action.

If upon the showing made, and such other inquiry as may be deemed proper, a restoration of the land, where withdrawn, be secured, or a reclassification as nonmineral be made, where the land has been classified, the nonmineral application, in the absence of other objection, will be returned for allowance.

If the application be denied, you will be so notified, and the applicant may, within 30 days from notice of such denial, apply to your office for a hearing to disprove the classification. When a hearing is applied for, you will notify the chief of field division and proceed therewith under the Rules of Practice. If the applicant fail to apply for a hearing within the time allowed, the application to locate, select, enter or purchase will be finally rejected.

The rejection of the application, however, will not preclude the applicant from filing application to locate, select, enter or purchase the land in accordance with and subject to the provisions and reservations of said act.

(b) Under this proviso, persons who have located, entered, selected, or purchased lands subsequently withdrawn or classified as valuable for said mineral deposits, are allowed the privilege of showing, at any time before final entry, purchase, or approval of selection or location, that the lands are in fact nonmineral in character.

Claimants to whom this provision is applicable may, therefore, file in the proper local land office application for a classification of the land as nonmineral, together with the evidence prescribed herein to be filed by an original applicant with his request for classification whereupon the same will be forwarded to the General Land Office for action. If as a result thereof the land be restored to entry, if withdrawn, or classified as nonmineral, if classified, you will be so informed, in order that you may note your records and advise the claimant.

If the application be denied, you will be advised thereof, and the claimant allowed 30 days from notice of such denial within which to make application to your office for a hearing to establish the non-mineral character of the land. When a hearing is applied for you will notify the chief of field division and proceed therewith under the Rules of Practice.

BURDEN OF PROOF.

11. Where application is made to enter, locate, or select lands withdrawn or classified as valuable for or on account of any of the minerals specified in this act and in these regulations, the burden of proof to show that said lands are not of the character of those intended to be withdrawn, or that the classification as such was and is erroneous and improper in point of fact, will rest upon and be borne by the applicant in the event that he shall undertake to establish, at a hearing ordered and held for that purpose, the truth of the allegations made by him in that behalf.

A withdrawal or classification will be deemed *prima facie* evidence of the character of the land covered thereby for the purposes of this act. Where any nonmineral application to select, locate, enter, or purchase has *preceded* the withdrawal or classification and is incomplete and unperfected at such date, the claimant, not then having obtained a vested right in the land, must take patent with a reservation or sustain the burden of showing at a hearing, if one be ordered, that the land is in fact nonmineral in character and therefore erroneously classified or not of the character intended to be included in the withdrawal. Where the agricultural claimant has completed and perfected his claim and becomes possessed of a vested right in the land which *subsequent* thereto is withdrawn or classified, the burden will rest upon the Government to show that the land is in fact mineral in character and was so known at the date of final completion and perfection of the claim. See Charles W. Pelham (39 L. D., 201).

CLAY TALLMAN,
Commissioner.

Approved:

ANDRIEUS A. JONES,
First Assistant Secretary.

AN ACT To provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals.

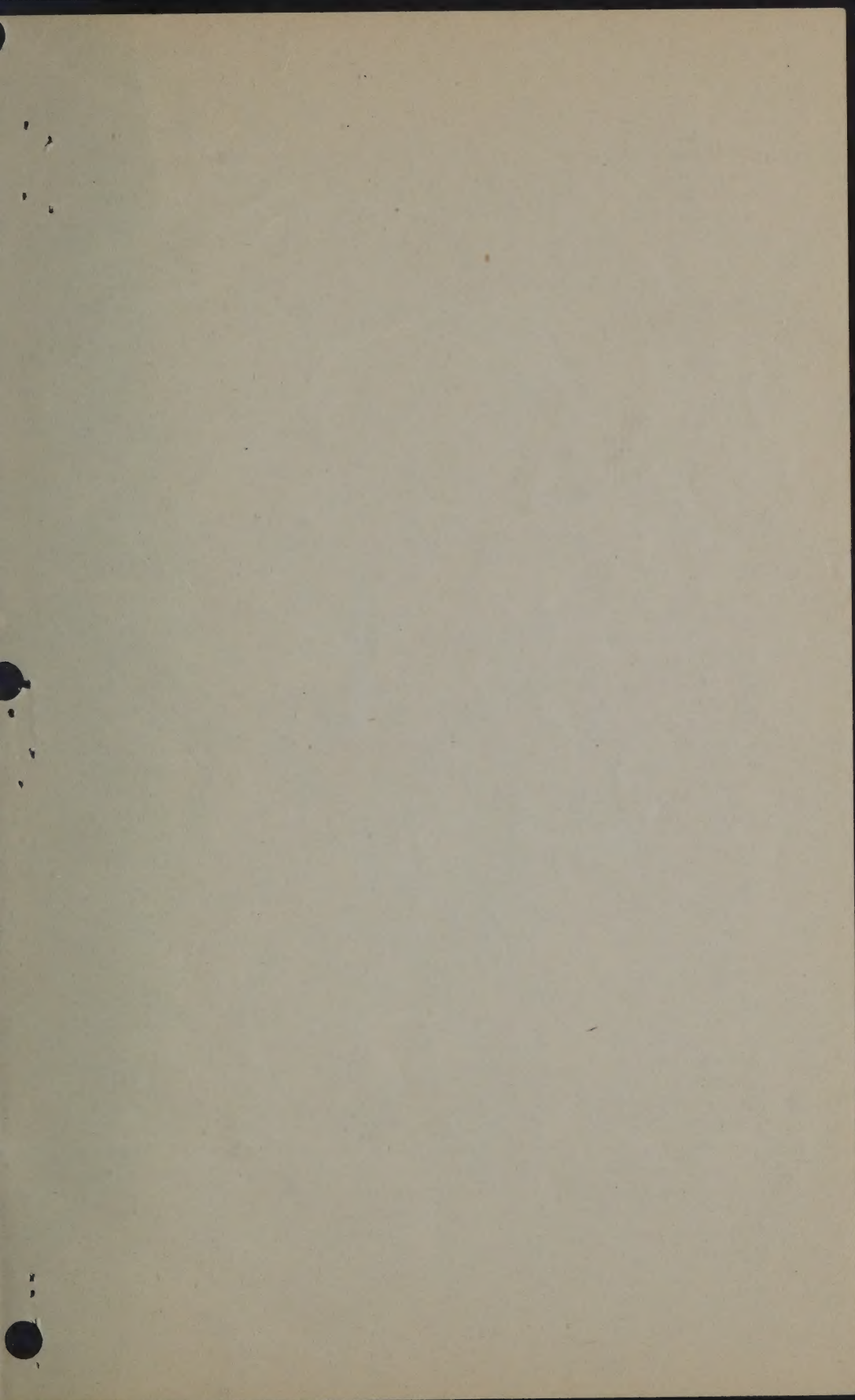
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to appropriation, location, selection, entry, or purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such location, selection, entry, or purchase shall be made with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same; but no desert entry made under the provisions of this act shall contain more than one hun-

dred and sixty acres: *Provided*, That all applications to locate, select, enter, or purchase under this section shall state that the same are made in accordance with and subject to the provisions and reservations of this act.

SEC. 2. That upon satisfactory proof of full compliance with the provisions of the laws under which the location, selection, entry, or purchase is made, the locator, selector, entryman, or purchaser shall be entitled to a patent to the land located, selected, entered, or purchased, which patent shall contain a reservation to the United States of the deposits on account of which the lands so patented were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same, such deposits to be subject to disposal by the United States only as shall be hereafter expressly directed by law. Any person qualified to acquire the reserved deposits may enter upon said lands with a view of prospecting for the same upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting, the measure of any such damage to be fixed by agreement of parties or by a court of competent jurisdiction. Any person who has acquired from the United States the title to or the right to mine and remove the reserved deposits, should the United States dispose of the mineral deposits in lands, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the minerals therefrom, and mine and remove such minerals, upon payment of damages caused thereby to the owner of the land, or upon giving a good and sufficient bond or undertaking therefor in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, select, enter, or purchase, under the land laws of the United States, lands which have been withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic mineral lands, with a view of disproving such classification and securing patent without reservation, nor shall persons who have located, selected, entered, or purchased lands subsequently withdrawn, or classified as valuable for said mineral deposits, be debarred from the privilege of showing, at any time before final entry, purchase, or approval of selection or location, that the lands entered, selected, or located are in fact nonmineral in character.

SEC. 3. That any person who has, in good faith, located, selected, entered, or purchased, or any person who shall hereafter locate, select, enter, or purchase, under the nonmineral land laws of the United States, any lands which are subsequently withdrawn, classified, or reported as being valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals, may, upon application therefor, and making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which patent shall contain a reservation to the United States of all deposits on account of which the lands were withdrawn, classified, or reported as being valuable, together with the right to prospect for, mine, and remove the same.

Approved, July 17, 1914. (38 Stat., 509.)



part 16 b
Still in effect 5/27/59
See Circ. 541-2427

CIRCULAR No. 394.

CERTIFICATE FROM INDIAN OFFICE REQUIRED OF INDIAN
HOMESTEAD ENTRYMEN.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, March 29, 1915.

Registers and Receivers, United States Land Offices.

SIRS: The regulations of this office require that no Indian allotment applications be allowed unless a certificate from the Commissioner of Indian Affairs that the applicant is entitled, under the fourth section of the act of February 8, 1887 (24 Stat., 388), to such allotment is filed by or for the applicant.

In conformity with this practice, you will hereafter require an Indian homestead applicant under the act of July 4, 1884 (23 Stat., 96), to submit a certificate from the Commissioner of Indian Affairs that he is entitled, as an Indian, to make such an entry.

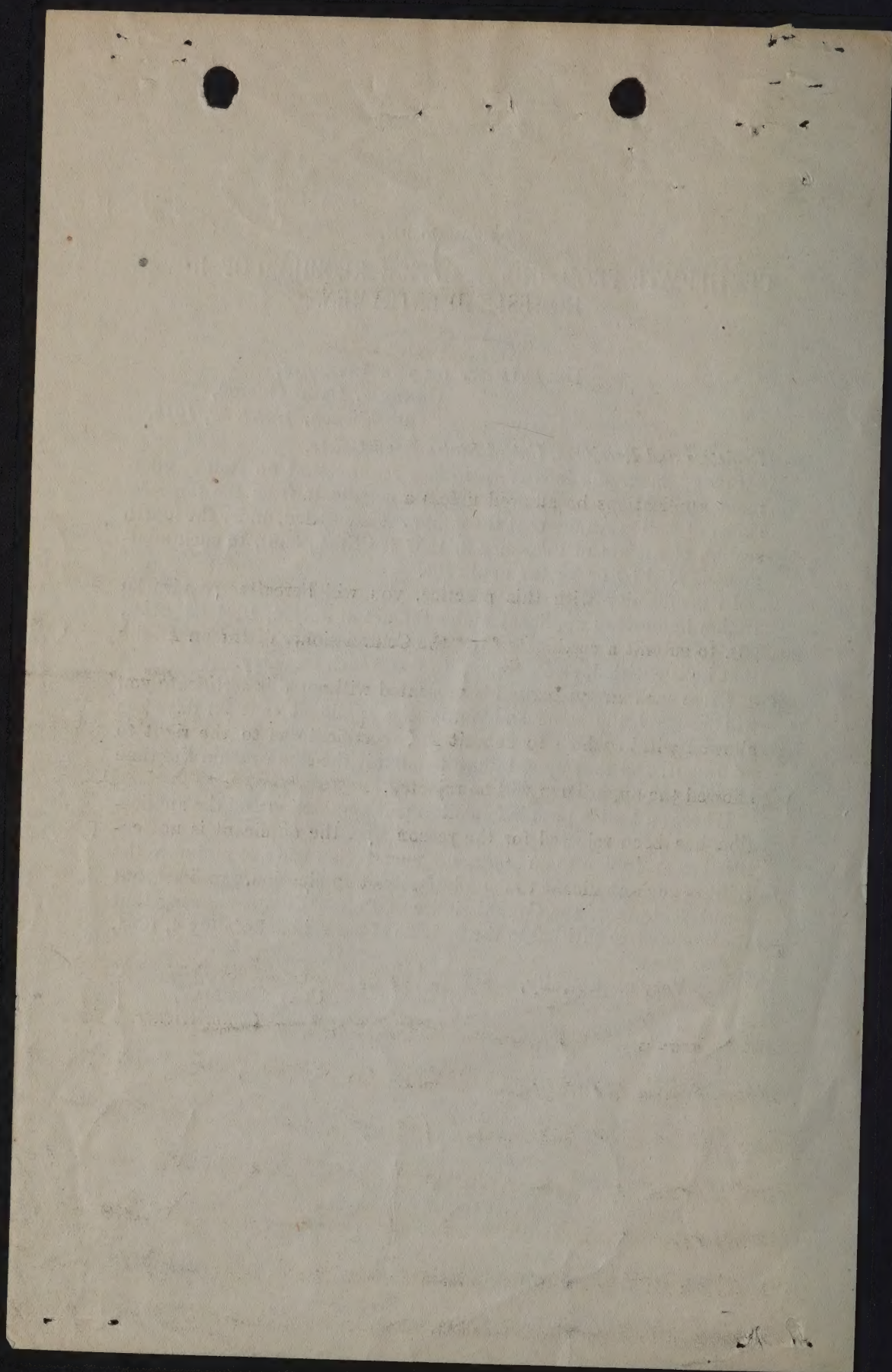
When such an application is presented without this certificate you will suspend the same and notify the applicant that 90 days are allowed within which to submit such certificate as to the right to allotment, and that upon failure to submit the same within the time allowed the application will be rejected.

Where an Indian has filed an allotment application and the application has been rejected for the reason that the applicant is not entitled as an Indian to an allotment, such action will not prejudice the right of such applicant to file a homestead application, provided that a certificate from the Commissioner of Indian Affairs, showing that the applicant is entitled to the benefits of the said act of July 4, 1884, is presented.

Very respectfully,

CLAY TALLMAN,
Commissioner.

90747°-15



CIRCULAR No. 398.

AMENDMENTS OF PARAGRAPHS 49 AND 85 OF MINING REGULATIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, April 9, 1915.

UNITED STATES SURVEYORS GENERAL and
REGISTERS AND RECEIVERS,
United States Land Offices.

Sirs: Under date of December 16, 1914, paragraph 49 of the Mining Regulations, approved March 29, 1909 (37 L. D., 768), was amended by the Department to read as follows:

49. The surveyor general may derive his information upon which to base his certificate as to the value of labor expended or improvements made from the mineral surveyor who actually makes survey and examination of the premises, in so far as such matters rest in the personal knowledge of the mineral surveyor. The mineral surveyor should specify with particularity and full detail the character and extent of such improvements. As to when and by whom the improvements were made and other essential matters not within such mineral surveyor's personal knowledge, recourse may be had by the surveyor general to corroborated affidavits by persons possessing such personal knowledge or the best evidence in this behalf otherwise obtainable. This showing should accompany the report of the mineral surveyor as to improvements.

Paragraph 85 of said regulations (37 L. D., 774) is hereby amended to read as follows:

85. Where an adverse claim has been filed and suit thereon commenced within the statutory period and final judgment rendered determining the right of possession, it will not be sufficient to file with the register a certificate of the clerk of the court setting forth the facts as to such judgment, but the successful party must, before he is allowed to make entry, file a certified copy of the judgment roll, together with the other evidence required by section 2326, Revised Statutes, and a certificate of the clerk of the court, under the seal of the court, showing, in accord with the record facts of the case, that the judgment mentioned and described in the judgment roll aforesaid is a final judgment, that the time for appeal therefrom has under the law expired, and that no such appeal has been filed or that the defeated party has waived his right to appeal. Other evidence showing such waiver or an abandonment of the litigation may be filed.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:

A. A. JONES,
First Assistant Secretary.

91286°—15

See Cir 471

CIRCULAR No. 399.

REGULATIONS GOVERNING RELIEF OF DESERT-LAND ENTRY-MEN UNDER ACT OF MARCH 4, 1915 (PUBLIC, 296).

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 13, 1915.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: Annexed hereto is a copy of the last three paragraphs of the fifth section of an act of Congress approved March 4, 1915 (Public, No. 296), entitled, "An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes," the provisions of which authorize the Secretary of the Interior, under rules and regulations to be prescribed by him, to grant relief to certain classes of desert-land entrymen. The following rules and regulations are, therefore, prescribed to be observed in the administration of the said provisions.

APPLICATIONS FOR RELIEF.

(1) All applications for the benefits of the new law should be filed prior to the expiration of the time within which the applicant would otherwise be required to make final proof on his desert-land entry, in the land office for the district in which the entered land is situated, to be forwarded, with appropriate recommendations, to the Commissioner of the General Land Office for action. They must be supported by the affidavit of the applicant, corroborated by two witnesses, as to the material facts necessary to be shown. All such affidavits must be executed before an officer authorized to administer oaths in desert-land cases.

(2) All such applications should contain the name of the entryman and the date of the entry, and, if the entry has been assigned, the name of the assignee and date of the assignment; the description of the land involved; a statement of the various sums of money expended by the applicant or his grantors in an endeavor to reclaim the land, and the particular purpose for which each sum was expended; the facts by reason of which it has been impossible for claimant to effect reclamation and cultivation and to submit final proof within the usual period, or such extensions thereof as may have been granted; and the facts by reason of which the applicant considers that there is or is not, as the case may be, a reasonable prospect that, if an extension of time is granted him, he will be able to secure a sufficient water supply and make final proof of reclamation, irrigation, and cultivation, as required by the desert-land law.

CONDITIONS FOR EXTENSION OF TIME.

(3) To entitle an entryman to the benefits of the first of the three paragraphs referred to, the following conditions must exist: (a) The entry must be a lawful, pending entry made prior to July 1, 1914; (b)

the entryman must have complied with the requirements of the desert-land law with reference to yearly expenditures and the submission of annual proofs thereof; (c) there must be a reasonable prospect that, if an extension of time is granted, the claimant will be able to make the final proof of reclamation, irrigation and cultivation, as required by law; (d) the case must be one in which an extension of time, or a further extension, can not properly be allowed under other laws; and (e) there must be established some fact or facts constituting a reasonable excuse for the applicant's failure to comply with the law within the usual time, and fairly entitling him, in justice and equity, to this form of relief.

(4) The existence of the first two of these conditions can be determined by examination of the records of the General Land Office, but in order that applicants may have the benefit of every possible circumstance entitling them to equitable consideration, they are privileged to make such further showing as they may desire as to any moneys which they may have expended in improving the land but not used as the basis of annual proof.

The existence of the third, fourth, and fifth conditions above enumerated must be established in all cases by the affidavits filed in support of the application for relief.

(5) With regard to the third condition, it must be shown what steps the applicant has taken to secure a water right; and either that he has secured such a right (so far as that is possible, under the State laws, in cases where beneficial application of the water to the land has not yet been made), or that there is no reason to doubt that he will be able to secure such a right before his final proof is due; that the source of water supply, if a natural stream, will, in ordinary seasons, furnish the amount of water needed by the claimant to reclaim the irrigable land in his entry after all appropriations prior to his have been satisfied; and, if water is to be taken from wells, that there is reason to believe that an adequate supply can be obtained from that source.

If water is to be obtained through an irrigation company or irrigation district upon which a special agent or other officer has made a favorable report, and favorable action on such report has been taken, the existence of the third condition will be taken for granted, provided the applicant shows that he has become the owner of the required amount of stock in the company, or taken the required steps to secure the inclusion of the land in the district, or that it will be entirely possible for him to do the one or the other, as the case may be.

If an adverse report has been made on the irrigation company or district, or if adverse action thereon has been taken, the applicant may present such showing of facts as may tend to refute the findings made and the conclusions reached, whereupon, if the allegations seem to warrant such action, a hearing will be ordered to determine the merits of the case.

The fourth condition above enumerated will be satisfied if the case does not come within the terms of any general or special acts of Congress providing for the allowances of extensions of time for submitting final proof on desert land entries. The general acts are the following: June 27, 1906 (34 Stat., 519, sec. 5); March 28, 1908 (35 Stat., 52, sec. 3); and April 30, 1912 (37 Stat., 106). The principal

special acts referred to are the following: February 28, 1911 (36 Stat., 960); January 26, 1912 (37 Stat., 56); and October 30, 1913 (38 Stat., 234). Generally speaking, extensions of time can not be allowed under these acts where extensions aggregating six years under all acts, both general and special, have been granted; where the irrigation works intended to convey water to the land have been completed, or, for any other reason, the claimant's inability to submit final proof can not be attributed to unavoidable delay in the construction of such irrigation works; where the cause of delay in submitting the final proof is the claimant's temporary inability to acquire a water right; or where, on account of drought of greater or less duration, but not likely, in all probability, to be a permanent condition, the operation of a completed system of irrigation works has been hindered or delayed. Under any of these conditions an application for an extension of time under the first paragraph of the new law can be entertained, except where the entered lands have been included within the exterior limits of a land withdrawal or irrigation project under the act of June 17, 1902 (32 Stat., 388), and the submission of satisfactory final proof is being hindered or delayed thereby, so that the case comes within the provisions of the sixth section of the act of June 27, 1906, *supra*.

No application for extension of time can be allowed, however, if it appears that the claimant's inability to submit final proof as required by the desert-land law is due to his own neglect or default; nor will any such application be granted where it appears that there is no reasonable prospect that the applicant will be able to provide a supply of water sufficient to irrigate and permanently reclaim all the irrigable land embraced in his entry, because, in such a case, no extension of time can enable the entryman to comply with the requirements of the desert-land law.

OTHER FORMS OF RELIEF.

(6) The second and third paragraphs of the new law are designed to afford relief in cases of the kind last above mentioned, by authorizing the Secretary of the Interior, in his discretion, to permit the applicant to perfect his entry in the manner required of a homestead entryman, or to purchase the land on the terms specified, as the applicant may elect. The entry itself is not transmuted, however, but remains a desert-land entry, subject to a new kind of proof.

CONDITIONS AUTHORIZING HOMESTEAD PROOF AND PURCHASE.

(7) To entitle a claimant to relief under either of these paragraphs, it must be made to appear to the satisfaction of the Secretary of the Interior (a) that the entry in question is a lawful pending entry, made prior to July 1, 1914; (b) where application for relief is made on behalf of an assignee, that the entry was assigned to him prior to March 4, 1915; (c) that the applicant, or his assignors, have, in good faith, expended the sum of \$3 per acre in the attempt to effect reclamation of the entered land; and (d) that there is no reasonable prospect that if the extension of time allowed by the first section of this act, or any other existing law were granted, the applicant would be able to secure water sufficient to effect reclamation of the land in his entry, or any subdivision thereof.

What is said in paragraph 4, supra, is equally applicable with respect to these conditions also.

With regard to the third condition, any expenditure which the claimant can show that he has made in good faith and with a reasonable belief that it would tend to effect reclamation of the land will be acceptable, even though such expenditure may not have been such as would satisfy the requirements for annual proof.

With regard to the fourth condition, the applicant should show what steps he has taken for the purpose of acquiring a water right and with what result, what has been done by himself or others toward the development of a water supply and the construction of an irrigation system to bring the water to the land, the reasons for his failure to secure an adequate water supply, and his grounds for believing that there is no reasonable prospect of final success in acquiring such a supply. In this connection consideration will be given to any special agent's reports on file regarding any irrigation company or irrigation district from which applicant has been endeavoring to secure water, and if it appears therefrom that there is no reasonable prospect that the applicant can secure a sufficient water supply the existence of that condition will be taken for granted.

NOTICE OF ALLOWANCE OF RELIEF—ELECTION TO PURCHASE.

(8) As soon as any application for relief under the second and third paragraphs shall have been allowed by the Commissioner of the General Land Office notice thereof will be served, through the proper local land office, upon the claimant, advising him that he will be allowed five years from date of service of such notice within which to perfect his entry in the manner required of a homestead entryman, unless he shall elect to perfect the entry by purchase under the third paragraph of this measure, in which event he must, within 60 days from date of receipt of such notice, execute and acknowledge before some officer authorized to take acknowledgments of deeds a declaration of his election so to do, file the same in the land office for the district wherein the entry is located, and pay to the receiver the sum of 50 cents for each acre embraced in said entry. Such notice will further instruct the applicant that, having thus complied with the preliminary requirements, he will be allowed five years from the date of his election within which to comply with the remaining requirements of the law.

PROCEDURE.

(9) In the submission and consideration of final proofs under the second and third paragraphs, the usual course of procedure with regard to desert-land final proofs will be followed, so far as applicable. The notice of intention to submit proof, however, should indicate whether the entry is to be perfected as in homestead cases, or by purchase.

ASSIGNMENT AND ALIENATION.

(10) As the benefits of the second and third paragraphs are not extended to assignees under assignments made after the date of the act, no assignment of a desert-land entry which, prior to the date of such assignment, has been authorized to be perfected under either of said sections, will be allowed; and in the final adjudication of

entries being perfected under the provisions of said paragraphs, the same rules will be observed, as to proof of nonalienation, as in homestead cases.

ENTRIES PERFECTED BY COMPLIANCE WITH HOMESTEAD LAW.

(11) A claimant who has received permission to perfect his entry in the manner required of homestead entrymen may make proof at any time when he can show that residence and cultivation have been maintained in good faith for the required length of time and to the required extent.

However, inasmuch as the homestead laws do not authorize the commutation of homesteads made under the enlarged homestead acts, commutation proof will not be accepted upon any desert-land entry involving more than 160 acres.

Failure to submit final proof within the five-year period allowed by the law will be ground for the cancellation of the entry, unless good reason for the delay can be shown, in which event final certificate may be issued and the case referred to the Board of Equitable Adjudication for confirmation.

Those provisions of the homestead law which define the personal qualifications required of entrymen do not apply to cases of this kind, but the final proof must show that the claimant possesses the same qualifications as to citizenship and the amount of land entered by him, or assigned or patented to him, under the agricultural public-land laws, as in the case of those who make ordinary final proof on desert-land entries.

RESIDENCE ON ENTERED LAND.

(12) If not already residing on his desert-land entry, the claimant must establish residence thereon within six months from the date of receiving the notice advising him that he will be permitted to perfect his entry under the second paragraph, unless such period be extended as permitted by the homestead law.

Residence upon the land must be continuously maintained for a period of three years from and after the date of its establishment. During each year the claimant may be absent for two periods only, the aggregate thereof not to exceed five months. Actual residence must be maintained for the remaining seven months of each year. If commutation proof is submitted, substantially continuous residence upon the land for a period of 14 months must be shown, together with the cultivation of not less than one-sixteenth the area of the entry, unless a reduction of the area required to be cultivated be allowed. The requirements made by this circular as to the period of residence and amount of cultivation are those of the act of June 6, 1912 (37 Stat., 123), or the "three-year homestead law."

If a claimant establishes residence upon his entry prior to the allowance of his application for relief, and continues to maintain it in good faith as required by the homestead law, full credit will be allowed for the period during which such residence is so maintained.

Leaves of absence and credit for military service will be allowed upon the same terms and conditions as in case of a homestead entry.

The claimant must have a habitable house upon the land at the time of submitting final proof. Other improvements should be of such character and amount as are sufficient to show good faith.

CULTIVATION.

(13) Cultivation of the land for a period of three years is required, and this must generally consist of actual breaking of the soil, followed by planting, sowing of seed, and tillage for a crop other than native grasses. However, tilling of the land, or other appropriate treatment, for the purpose of conserving the moisture with a view of making a profitable crop the succeeding year, will be deemed cultivation within the terms of the act (without sowing of seed), where that manner of cultivation is necessary or generally followed in the locality. During the second year, not less than one-sixteenth of the area entered must be actually cultivated, and during the third year, and until final proof, cultivation of not less than one-eighth must be had. These requirements are applicable to all cases, without regard to the area or location of the entry. The period of cultivation, like that of residence, may begin before the allowance of the application for relief; credit for all cultivation, if in accordance with the provisions of the three-year homestead law, will be allowed, without regard to the time when it was performed.

ENTRIES IN UTAH AND IDAHO.

(14) If the entry is situated in the States of Utah or Idaho, and the lands involved have been, or shall be, designated as being of the character subject to entry under the sixth sections of the acts of February 19, 1909 (35 Stat., 639), as amended, or June 17, 1910 (36 Stat., 531), respectively, the entryman may avail himself of the privileges of these sections, upon a proper showing of the character of the land, as required of a homestead applicant thereunder, in which event residence need not be maintained upon the land, but the amount of cultivation required is double that in ordinary cases and must be shown during a period of four years. For further details, reference should be made to the circular of this office known as Suggestions to Homesteaders, copies of which may be obtained of this office or any local land office.

RIGHTS OF HEIRS AND DEVISEES.

(15) If an entryman dies before being authorized to exercise the rights conferred by the second and third paragraphs, or after such authorization but before he has perfected his entry, his rights will pass to those persons who would inherit his lands according to the laws of the State wherein the entry is located, or, if he leaves a will, to those to whom he devises such rights. Applications for the benefits of the new law may be filed, and proofs thereunder may be submitted either by one of the heirs in behalf of all, by a guardian of the heirs' estate if they themselves are minors, or by the entryman's executor or administrator, acting under the supervision of the proper probate court.

The heirs or devisees will not be required to settle or reside upon the land, but must show that the land has been cultivated and improved by them, or on their behalf, as required by the homestead law, for such period as will, when added to the entryman's period of compliance with the law, aggregate the required term of three years. If they desire to commute the entry, they must show a 14 months' period of such residence and cultivation on the part of themselves

or the entryman, or both, as would have been required of him had he survived.

With regard to the reduction of the required area of cultivation, the same rules and procedure will be followed as in homestead cases.

(16) The same fees, and no others, may be charged by registers and receivers upon submission of final proofs under the new law as upon submission of ordinary desert-land proofs. No commissions may be charged under any circumstances, and no testimony fees unless the proof is taken at the land office.

ENTRIES PERFECTED BY PURCHASE.

(17) If claimant elects to perfect his entry under the third paragraph, he must, within five years from the date of his election and payment of the sum of 50 cents per acre, make final proof and pay to the receiver the further sum of 75 cents for each acre of land embraced in his entry. The final proof, in order to be acceptable, must show that, at the date of the proof, the claimant has upon the tract permanent improvements conducive to the agricultural development thereof, of the value of at least \$1.25 per acre, and that he has in good faith used the land for agricultural purposes for at least three years. Under this third paragraph grazing will be regarded as an agricultural use, provided it be established that the land is best suited to that purpose and has been so used in good faith. Actual residence on the land need not be shown.

IMPROVEMENTS REQUIRED.

(18) Improvements made during the first three years of the life of the entry and used as the basis of annual proof, if permanent in character and conducive to the agricultural development of the land, may be counted as improvements required to be shown under this section, provided their character and continued existence are satisfactorily established by the final proof; but no water rights or irrigation ditches will be recognized for this purpose, unless it is clearly shown that they have been made actually conducive to the agricultural development of the land, or a portion thereof, and that that fact is not inconsistent with the truth of the claimant's preliminary showing that there was no reasonable prospect that he could acquire a sufficient water supply to irrigate the irrigable land of any legal subdivision of his entry.

FORFEITURE.

(19) If a claimant fails to make final proof and payment, as required by the third paragraph, within the 5-year period, all sums theretofore paid by him will be forfeited and the entry canceled.

FORM OF PROOFS.

(20) Final proofs under the second paragraph may be made on the forms used in homestead cases. For final proofs to be made under the third paragraph, new forms will be furnished.

CLAY TALLMAN,
Commissioner.

Approved:

ANDRIEUS A. JONES,
First Assistant Secretary.

[PUBLIC—No. 296—63D CONGRESS.]

AN ACT Making appropriations to supply deficiencies in appropriations for the fiscal year nineteen hundred and fifteen and for prior years, and for other purposes.

* * * * *

That the Secretary of the Interior may, in his discretion, extend the time within which final proof is required to be submitted upon any lawful pending desert-land entry made prior to July first, nineteen hundred and fourteen, such extension not to exceed three years from the date of allowance thereof: *Provided*, That the entryman or his duly qualified assignee has, in good faith, complied with the requirements of law as to yearly expenditures and proof thereof, and shall show, under rules and regulations to be prescribed by the Secretary of the Interior, that there is a reasonable prospect that if the extension is granted he will be able to make the final proof of reclamation, irrigation, and cultivation required by law: *Provided further*, That the foregoing shall apply only to cases wherein an extension or further extension of time may not properly be allowed under existing law.

That where it shall be made to appear to the satisfaction of the Secretary of the Interior, under rules and regulations to be prescribed by him, with reference to any lawful pending desert-land entry made prior to July first, nineteen hundred and fourteen, under which the entryman or his duly qualified assignee under an assignment made prior to the date of this act has, in good faith, expended the sum of \$3 per acre in the attempt to effect reclamation of the land, that there is no reasonable prospect that, if the extension allowed by this act or any existing law were granted, he would be able to secure water sufficient to effect reclamation of the irrigable land in his entry or any legal subdivision thereof, the Secretary of the Interior may, in his discretion, allow such entryman or assignee five years from notice within which to perfect the entry in the manner required of a homestead entryman.

That any desert-land entryman or his assignee entitled to the benefit of the last preceding paragraph may, if he shall so elect within sixty days from the notice therein provided, pay to the receiver of the local land office the sum of 50 cents per acre for each acre embraced in the entry, and thereafter perfect such entry upon proof that he has upon the tract permanent improvements conducive to the agricultural development thereof of the value of not less than \$1.25 per acre, and that he has in good faith used the land for agricultural purposes for three years, and the payment to the receiver at the time of final proof of the sum of 75 cents per acre: *Provided*, That in such case final proof may be submitted at any time within five years from the date of the entryman's election to proceed as provided in this section, and in the event of failure to perfect the entry as herein provided all moneys theretofore paid shall be forfeited and the entry canceled.

Approved, March 4, 1915.

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